

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
EXTRAORDINARY SESSION, 1997

VOL. 1



FOB JAMES, Governor
DON SIEGELMAN, Lieutenant Governor
DEWAYNE FREEMAN, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
SETH HAMMETT, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1997 Extraordinary Session of the Legislature of Alabama and is the official publication of such acts.

Jim Bennett
Secretary of State

PREFACE

The right of open access to the public record is fundamental to the operation of a democracy. This access provides citizens with the ability to examine, on their own and absent the interpretation of others, the actions of their elected representatives. Through this examination, citizens make informed, and better decisions, about the character of the government. The *Acts of the Alabama Legislature* provides a detailed account of the actions of the state legislature during 1997, the third year of the quadrennium. Its pages continue our nation's long-standing tradition of a responsive government that encourages a constant and vigilant review by its citizens.

I hope you find the *Acts of the Alabama Legislature* informative.

Jim Bennett
Secretary of State

ALABAMA LAWS
And Joint Resolutions
EXTRAORDINARY SESSION, 1997

GOVERNOR JAMES'
EXTRAORDINARY SESSION ADDRESS
AUGUST 18, 1997

Mr. Speaker, Gov. Siegelman, Senators and Representatives, Ladies and Gentlemen, I welcome you here to begin the Third Special Session of our term.

In this Taxpayer's Special Session I ask you to study every appropriation and vote your conscience in passing good budgets. The budgets should reflect the priorities of the people.

Therefore, I propose an Education Budget that fully funds the Foundation Program, K-12, in the amount of 2.5 billion dollars. This is an increase of 120 million dollars or 5 percent over the previous year.

This year our students in grades 3-11 scored ABOVE the national average on the Stanford Achievement Test. This is a FIRST for Alabama. Let us not stop until we are Number ONE in the nation. I congratulate students, teachers, principals, and parents on a real academic accomplishment.

I propose a budget of 964.5 million dollars - almost one billion dollars - for Higher Education which is about the same as last year. I will soon appoint a Task Force to develop a plan for Higher Education.

There is strong evidence that we should REDUCE campuses from 182 to 73;

Program viability must be firmly established; and the duplicity of teaching the same courses with minimal attendance in the same area must be stopped. Our only objective is to use our TAX DOLLARS efficiently and to create a Merit Scholarship Fund.

Our situation is like a fellow trying to put water in a bucket with 200 holes. He will never be able to fill the bucket without plugging some of the holes. The Task Force will identify the holes that need to be plugged by the next Regular Session.

I have proposed an Education Budget with sound revenue projections. But with a 3.66 Billion dollar budget, I think it unwise, even folly, not to have a minimal reserve. Therefore, I have included a 16 million dollar reserve in keeping with the "Proration Prevention Law" and I urge you to maintain it.

The main purpose of the General Fund Budget is to support the Essential Functions of Government.

One example of this is Prisons, because incarceration of convicted criminals is necessary to protect citizens from robbery, rape, murder, and other crimes. I never want a judge or jury to hesitate to impose a sentence commensurate with the crime because of insufficient prison capacity. I propose that our Prisons receive 168 million dollars, an increase of 7.5 percent.

Another example is help for NEEDY CHILDREN. I propose 30 million dollars of NEW MONEY for these programs:

1. Children Tobacco Abuse and Control Programs – \$1 million
2. Secure Beds for Convicted Juvenile Offenders – \$9 million
3. Boot Camps – \$1 million
4. Abstinence Education Programs – \$811,000
5. Adoption Services Enhancement – \$2.2 million
6. Increase Rate to Support Foster Children - \$5 million; and other programs that make up our Children's Initiative.

I also propose legislation to create a Child Death Review Team with funding of \$150,000 per year for two years. I urge quick passage of this bill to reinforce our efforts to find the cause and cure for child abuse. No human behavior in our society is more tragic than the unwarranted death of an innocent child.

Another major item is **MEDICAID**, especially Nursing Home Reimbursements supporting about 15,000 Senior Citizens. The question is how to deliver quality service in a way not abusive to the Alabama taxpayer, and to find a way that will not bankrupt the system; to find a way that is competitive, both cost-wise and quality-wise with the same services provided by sister states.

A Task Force of 15 Alabama citizens chaired by Larry Striplin, recently completed an in-depth assessment of Medicaid Nursing Home costs. (Larry Striplin)

Here are the facts:

1. In 1991 a Cost Plus Formula to pay Nursing Home operators was adopted. It resulted in a cost almost 1/2 billion

dollars more between 1991 and 1995 than would have been paid if our rate of increase had been the same as the national rate of increase.

2. Medicaid reimbursement for Alabama nursing facilities increased by over 114% from FY 1990 to FY 1995, more than double the national average and well over three times the rate of inflation.
3. Under the current system, a bonus payment is added to the nursing facility rate regardless of its efficiency. Currently, there are 190 of 198 facilities receiving their full cost plus at least some incentive. This is happening because there is absolutely no incentive to control cost, in fact, the incentive is to do just the opposite.
4. To continue this level of cost plus payments will jeopardize funding for other important Medicaid programs for our children and disabled citizens.
5. In 1996 Alabama's Acuity Level, the degree of illness, of nursing home recipients ranked 4th out of eight in the Southeastern States. Our folks are no sicker than those in sister states, but our cost is much higher. The only thing worse than those who would continue this Cost Plus method are those of us who know the truth and fail to correct the System.

I have proposed an 11.5 million dollar conditional appropriation for state funding of Medicaid, a 6 percent increase over last year, with reforms necessary to sustain current services.

I did not include in my call three much needed Bond Issues to build or repair roads, schools, and State Park facilities as I do not want anything to distract from your work on the Budgets. However, the Bond proposals are downstairs in the Legislative Office for your consideration. We would like ALL of you to sponsor these Bond Issues at the right time:

- A 700 Million Dollar Bond Issue for Roads, which will accelerate projects in the FIVE-YEAR Plan such as:
- Corridor X from the Mississippi State Line to Birmingham, passing through Hamilton, Jasper, and Graysville.
- State Route 157 near Moulton in Lawrence County, connecting the Shoals area of Northwest Alabama to I-65 near Cullman.
- The Patton Island Bridge over the Tennessee River in the Shoals area.

- The Dothan to I-10 Freeway Connector in Southeast Alabama, relieving U.S. 231 from the Dothan area southward to a connection with I-10.
- U.S. 280 through Lee, Chambers, and Tallapoosa Counties.
- State Route 77 in Etowah County.
- U.S. 80, providing a critical link to an east-west corridor from the Mississippi State Line through Demopolis, Selma, and Montgomery.
- U.S. 82 in Pickens County, from Reform to the Tuscaloosa County line.
- The Montgomery Outer Loop, connecting U.S. 80 west of Montgomery to I-85 east of Montgomery.
- U.S. 431 in Russell County, from Barbour County Line to near Pittsview.
- U.S. 278 in Etowah County, an east-west route across North Central Alabama through Gadsden into Georgia and other similar projects.

**A Bond Issue for Public Schools that includes 35 Million Dollars for the development of a Statewide infra-structure to provide connectivity to all public education institutions and up to 850 Million dollars to renovate or eliminate unsafe and worn out school buildings or to build new schools as determined by local school boards and officials.

These dollars will be available through the Capital Improvement Fund of the Foundation program upon passage of the budgets. Here are some examples:

Calhoun County	\$13 million
Jefferson County	\$44.6 million
Mobile County	\$72 million
Montgomery County	\$37 million
Birmingham City	\$44 million
Tuscaloosa City	\$11 million

And the list goes on.

It is dead wrong to allow our State Park facilities to deteriorate. So why not fix them now and pay for it with the proceeds from an 80 Million dollar Parks Bond Issue?

Why in the world would one deny the people of Alabama good school buildings – good roads – and good parks? We can well afford it by any financial standard you wish to apply.

These assets will last decades and are the best value the people could have. The question is will we give it to them or will it be “politics as usual”?

The House will most likely initiate work on Appropriations – the Senate will have some time to spare.

I ask Lt. Governor Siegelman and each Senator to see to it that my appointments are voted up or down. Why delay a vote on an appointment by the Governor? The Ethics Commission – the Auburn Board of Trustees – and others that are many months old. What is there to fear? This situation would be a joke were it not for one fact. By not voting my appointments up or down you are denying the people of Alabama representation on numerous boards and commissions. This is not right.

During the last Regular Session the Senate passed the Partial-Birth Abortion Ban Act of 1997 by a vote of 26 yeas and 1 nay; the House passed the Act by a vote of 88 Yeas and ZERO Nays signed the Act into Law on May 22, 1997. Today this Act is being challenged by the ACLU, and just like the Prayer and T. Commandments Issues, the ACLU will attempt to pervert the Bill of Rights and turn them against the people. I wrote a letter to Judge Ira DeMent about the question of jurisdiction. It was misunderstood by some.

I recently received a paper on this issue from John Ashcroft, former Attorney General, former Governor, and now U.S. Senator from Missouri. I quote from that paper, *“Our forefathers were right when they warned against allowing judicial power to become like a ‘boundless ocean.’ A half-century of unbridled judicial activism has made that danger clear to all but the intentionally ignorant . . . Why stand we here idle?”*

I WILL NOT STAND IDLE. I will defend the legality of your Partial Birth Abortion Ban Act.

Thank You.

ALABAMA LAWS
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EXTRAORDINARY SESSION, 1997

Act No. 97-724

H.J.R. 5 – Reps. McMillan, White, Warren, Penry, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis, Wren

HOUSE JOINT RESOLUTION

**COMMENDING JUDGE TELFAIR JAMES MASHBURN, JR.,
ON HIS 90TH BIRTHDAY.**

WHEREAS, noted with great pleasure is the 90th birthday of Judge Telfair James Mashburn, Jr., a retired Circuit Judge with the 28th Judicial Circuit of Alabama, and friend and former colleague serving with the House of Representatives from 1963-64; and

WHEREAS, born on August 22, 1907, in Flomaton, Alabama, Judge Mashburn is a resident of Bay Minette, Alabama, and served his country with patriotism in the United States Navy, including tours of duty in the Pacific, Mediterranean, and Atlantic Theatres; and

WHEREAS, the recipient of numerous citations from the Veterans of Foreign Wars, Judge Mashburn was one of the Ten Most Outstanding District Commanders in the United States; he also served with honor as State Senior Vice, State Commander, and Secretary-Treasurer of the Southern Conference, a member of Adj-QM Post No. 3568, Judge Advocate General, and has served as Judge Advocate for the State of Alabama since 1975; and

WHEREAS, a highly regarded member of Woodmen of the World Camp for 25 years, Judge Mashburn, who was selected as VFW Veteran of the Year for Alabama, was awarded both the VFW Silver Medal for Distinguished Service and a 50-Year Diamond Pin and Patch by the Department of Alabama; and

WHEREAS, adored and loved by his family and friends, Judge Telfair James Mashburn, Jr., continues to amaze everyone with his alertness, positive attitude, and his ever-present warm and friendly smile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the momentous occasion of his 90th birthday, August 22, 1997, heartiest congratulations and warmest regards are hereby extended to Judge Telfair James Mashburn, Jr., to whom a copy of this resolution shall be presented.

Approved August 20, 1997

Time: 1:15 P.M.

Act No. 97-725

H.J.R. 2 – Rep. Carter

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the

Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved August 21, 1997

Time: 8:31 A.M.

Act No. 97-726

H.J.R. 3 – Rep. Carter

HOUSE JOINT RESOLUTION

INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Monday, August 18, 1997, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members from the House, to be named by the Speaker of the House, and three members from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the Alabama House Chamber for the joint session.

Approved August 21, 1997

Time: 8:32 A.M.

Act No. 97-727

S.J.R. 5 – Senator Mitchell

SENATE JOINT RESOLUTION

COMMENDING JOHN E. "JIMMY" WILSON, NATIONAL GROCERS ASSOCIATION "SPIRIT OF AMERICA" AWARD WINNER.

WHEREAS, noted with great pride and appreciation is Mr. John E. "Jimmy" Wilson of Luverne, Alabama, as this year's National Grocers Association (NGA) "Spirit of America" award; and

WHEREAS, awarded to Mr. Wilson July 29, 1997, in Mobile, Alabama, at the Alabama Grocers Association Annual Convention, this prestigious award honors those individuals who have provided distinguished leadership in the areas of community service and

governmental relations on behalf of the food distribution industry; some notable individuals who are past recipients include: former Presidents Bush and Ford, former Vice President Dan Quayle, and such distinguished Alabamians as Senators Richard Shelby and Howell Heflin, Representative Tom Bevill, Mary Hardin, Peter Gregerson, and J. Barton Greer; and

WHEREAS, Mr. Wilson began his career in retailing as a part-time clerk with F. W. Woolworth, rising quickly up the management ranks with numerous assignments with Woolworth in Mississippi and Louisiana; and

WHEREAS, Mr. Wilson served his country with honor and valor as a staff sergeant gunnery instructor and mid-level bomber with the U. S. Army Air Force in World War II, flying 65 missions and earning numerous medals and honors, including the Distinguished Flying Cross, the Air Medal with 11 Oak Clusters, and the Presidential Citation; and

WHEREAS, in 1950, Mr. Wilson began his career in the grocery business with Pleez-ing Food in Pensacola, later joining Hudson-Thompson in 1955 in Montgomery, Alabama, and for the past 26 years he has served the Luverne area as an independent grocer, successfully mastering an incredible career in retailing that has spanned 55 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That by copy of this resolution, we hereby extend our gratitude and esteem to Mr. John E. "Jimmy" Wilson, the 1997 NGA "Spirit of America" award winner.

Approved August 21, 1997

Time: 8:33 A.M.

Act No. 97-728

S.J.R. 8 – Senator Little

SENATE JOINT RESOLUTION

RECOGNIZING HENRY STERN OF OPELIKA, ALABAMA.

WHEREAS, on Friday, June 27, 1997, the Opelika Chamber of Commerce observed "Henry Stern Day" in Opelika in commendation of Mr. Stern's longtime dedicated service to the Opelika community and as the chamber's executive director from 1977-1987, and it is with great pleasure that the Legislature of Alabama joins in tribute to this well-deserved honor; and

WHEREAS, a native of the Westphalia district in Germany, 5-year-old Henry (Heinz) Stern and his family fled their native

homeland in 1937, during the troubling and uncertain years leading up to World War II when Adolph Hitler seized power, for a land and community which would welcome him with open arms, and which over the years he would devote his life to repaying; and

WHEREAS, joining an uncle who had settled in Opelika, Alabama, young Henry attended elementary and high school in Opelika and, following graduation from Auburn University, helped to found the Hollingsworth, Norman and Stern department store, a well-known landmark in downtown Opelika which he would operate until the 1960s when he entered real estate; and

WHEREAS, over the years, Henry Stern has contributed significantly toward improving the quality of life of the Opelika community and its citizens, and he and his lovely wife, Roslyn, who herself serves as a member of the Alabama Arts Council, have earned the highest admiration and regard of a grateful citizenry; and

WHEREAS, some of the programs begun in the city during his tenure as the Chamber's executive director, were Leadership Opelika, the blueprint for today's Leadership Lee County; Adopt-a-School, Business After Hours, and the Farmers Market, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary service to the Opelika community and its citizens, highest commendation is hereby accorded Henry Stern for whom a copy of this resolution of sincere regard and esteem shall be provided.

Approved August 21, 1997

Time: 8:34 A.M.

Act No. 97-729

S.J.R. 9 – Senators Steele, Escott-Russell,
McClain, Smitherman, and
Figures

SENATE JOINT RESOLUTION

CONGRATULATING MRS. ANNIE RUTH AMISON ON THE OCCASION OF HER 85TH BIRTHDAY.

WHEREAS, it is with special commendation and heartiest congratulations that the Legislature of Alabama recognizes Mrs. Annie Ruth Amison of Birmingham, Alabama, who was recently honored when a host of family and friends gathered in celebration of her 85th birthday at the Harbert Center in Birmingham, Alabama, on July 5, 1997; and

WHEREAS, Mrs. Amison was born July 3, 1912, the second of four daughters born to Eugene and Pearl Rodgers; she is the matriarch of a

large and loving family which includes 11 children, 32 grandchildren, 35 great-grandchildren, and 8 great-great-grandchildren; and

WHEREAS, she is truly a remarkable lady of great strength and courage, with deep and abiding faith and love for her fellowman, who has been an inspiration and blessing to both her family and others, whose lives are infinitely better for having been touched by her care and concern for their happiness and well-being; and

WHEREAS, affectionately known as "Mother" by young and old alike, Mrs. Amison still enjoys life to the fullest, cooking, sewing, enjoying the visits of neighbors and friends, and rejoicing in the lives and accomplishments of her family; and

WHEREAS, birthdays, of course, are special events in a person's life, and we are indeed grateful that this lovely lady has been blessed with such a great number of them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby most highly commend and extend heartfelt congratulations to Mrs. Annie Ruth Amison of Birmingham, Alabama, and direct that she receive a copy of this resolution with sincere best wishes for continuing good health and happiness for many more years to come.

Approved August 21, 1997

Time: 8:35 A.M.

Act No. 97-730

H.J.R. 48 – Rep. Hammett

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn on Wednesday, August 20, 1997, they adjourn to meet again on Tuesday, August 26, 1997.

Approved August 21, 1997

Time: 8:30 A.M.

Act No. 97-731

H.J.R. 26 – Reps. Hawk, McDaniel

HOUSE JOINT RESOLUTION

URGING THE ALABAMA DEPARTMENT OF REVENUE TO STAY THE REAL PROPERTY REAPPRAISALS IN MARSHALL COUNTY AND TO PERFORM ADDITIONAL REAPPRAISALS.

WHEREAS, on May 17, 1995, then Revenue Commissioner Ralph P. Eagerton, Jr., ordered the taxing officials of Marshall County to reappraise all property located in the county according to its fair and reasonable value as of October 1, 1995, and that the appraised value be the basis of the assessment of property for purposes of ad valorem taxation; and

WHEREAS, the aforementioned reappraisal was completed during the 1997 calendar year and has resulted in grossly inaccurate valuations due to numerous errors that were inadvertently made; and

WHEREAS, the large number of hearings requested by taxpayers before the Board of Equalization has pushed the time frame for the hearings until at least the middle of November; and

WHEREAS, the fiscal year for the county begins on October 1st and if the issue of the new appraisals is not settled until November, the financial planning and budgets of the county will be in total chaos; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Commissioner of the Alabama Department of Revenue to stay the implementation of the recent property reappraisals in Marshall County and order new reevaluations be performed on all taxable property located in the county as soon as practicable.

BE IT FURTHER RESOLVED, That we request that the valuations of taxable property in Marshall County for the current taxable year be the same as the valuations for the 1995 taxable year.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Commissioner of the Alabama Department of Revenue that he may know of our concerns regarding this matter.

This Act became a law under Section 125 of the Constitution on August 28, 1997 without approval by the Governor.

Act No. 97-732

H.J.R. 25 – Reps. Clouse, Baker, Flowers

HOUSE JOINT RESOLUTION

COMMENDING THE SOUTHERN STAR FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, The Southern Star, a well-known family owned newspaper in Ozark, Alabama, has improved the quality of life within the local community, and it is appropriate at this time to highlight its many accomplishments, and to extend special honor and highest commendation; and

WHEREAS, founded by Joseph A. Adams in Newton, Dale County, Alabama, in 1867, it is the oldest known continuously family-owned newspaper and business in the City of Ozark and State of Alabama; and

WHEREAS, publishers of this distinguished newspaper include: Joseph A. Adams from 1867-87; Joseph H. Adams from 1887 to 1907; John Q. Adams from 1901 to 1925; Jesse B. Adams from 1925 to 1952; and John Q. Adams from 1952 to 1992; and

WHEREAS, becoming editor in 1957 and publisher in 1969, Joseph Holman Adams has sought ways to develop the economy of the state and to attract new industry; and

WHEREAS, The Southern Star, remaining in the Adams family for 130 years, has been cited for exemplary news coverage, editorials, features, and sports, and has been the recipient of numerous top awards for community service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievements, we hereby most highly commend The Southern Star, editor Joseph Holman Adams, and the entire staff of The Southern Star for a job well done.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Mr. Adams for appropriate presentation and display.

Approved August 28, 1997

Time: 2:02 P.M.

Act No. 97-733

H.J.R. 27 – Reps. Guin, Hogan

HOUSE JOINT RESOLUTION

COMMENDING THE CORDOVA HIGH SCHOOL BLUE DEVIL GIRLS SOFTBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature herein extends heartiest congratulations to the Cordova High School Blue Devil Girls Softball Team, Cordova, Alabama, on the 1997 Girls State Class 3-A Championship; and

WHEREAS, in an impressive display of talent and will, these exceptional young athletes, holding an impressive overall record of 50-9 for the season, successfully defeated Winfield (4-0), and Carbon Hill (7-3 and 13-1) in Section play; Vinemont (19-8 and

13-0) in Sub-State; and Danville (10-0), Ardmore (13-9), Holly Pond (13-7), and Ardmore (16-13) in the Championship game to capture the coveted Title; and

WHEREAS, the Blue Devils achieved this outstanding feat under the expert leadership of Head Coach Ricky Pate and Assistant Coach Gary Hosmer; and

WHEREAS, sharing in the glory of their accomplishments were team members Emy Black, Mikel Evans, Sha Sanford, Amanda Sherer, Jennifer Allred, Katy Hyche, Nicole Wade, Christina Woodley, Jenny Gilbert, Julie Hosmer, Allison Pate, Nicole Barnett, Shelly Bradford, Shawna Gilbert, Cindy Minor, Carrie Sandlin, Lindsey Warren, and Kristy Rodgers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as the 1997 Girls Class 3-A State Champions, highest commendation is hereby accorded the Cordova High School Blue Devils, and it is further directed that, as a token of tribute, copies of this resolution be provided for appropriate presentation and display at Cordova High, and to the City Council of the City of Cordova.

Approved August 28, 1997

Time: 2:03 P.M.

Act No. 97-734

H.J.R. 16 – Reps. Hawkins, Gaines,
Carns, Curry

HOUSE JOINT RESOLUTION

COMMENDING THE U-18 VESTAVIA STEAMERS BOYS SOCCER TEAM ON ITS OUTSTANDING ACHIEVEMENTS.

WHEREAS, it is with great pride and pleasure that the U-18 Vestavia Steamers Boys Soccer Team is commended on its distinguished athletic achievements and in recognition thereof, the team members and coaching staff are deserving of special public commendation; and

WHEREAS, the Vestavia Steamers, comprised of 17 and 18 year-old young men, became the first team in soccer history from Alabama to win a Regional Championship and placed third in the nation at the Snickers/USYSA National Championships in Phoenix, Arizona, during July 31, 1997, through August 3, 1997; and

WHEREAS, beginning in 1991, the Vestavia Steamers captured spectacular consecutive wins in Alabama State Championships in

each respective age group as U-12's, U-14's, U-16's, U-17's, and U-18's, and defeated the Louisiana champions, the LaFeniere Gamblers, in the Regional Finals 3-1 for the Championship on July 2, 1997; and

WHEREAS, the Vestavia Steamers then defeated the Northern California Champions, the Clovis United Heat, 3-2 in double overtime on August 3, 1997, to capture the Bronze Medal; and

WHEREAS, ably and expertly led by Coach Wallace Shane Amsler and Team Manager Julian Smith, and cared for by Team Trainer Dr. Paul Amamoo, this talented group of team members and players are: Nii-Amar Amamoo, Joe Bassett, Mark Cain, Nick Cammarata, Eric Fransson, Alfonzo Giddens, Eric Hudgens, Michael Johnson, Mark Kines, Lane Knight, David and Kevin Kosek, Ryan Neil, Ryan Patridge, Graeme Rein, Matt Shuleva, Houston Smith, Todd Stoner, and others in the Fall were Kevin Bevis, Brad Chambers, and Michael Mikos; and

WHEREAS, the U-18 Vestavia Boys Soccer Team brings great honor to themselves, their families, their schools, and their communities, and the State of Alabama, and great pride and respect to all youth soccer players in Alabama, and are indeed deserving of highest praise for their outstanding efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U-18 Vestavia Boys Soccer Team is most highly commended for its outstanding achievements, and further direct that a copy of this resolution be presented for appropriate presentation and display.

Approved August 28, 1997

Time: 2:00 P.M.

Act No. 97-735

H.J.R. 17 – Reps. Carns, Hawkins, Curry,
Petelos, Morton, Sanderson,
Gaines, Payne, Townsend

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ALBERT LEE SMITH, JUNIOR.

WHEREAS, Former United States Congressman Albert Lee Smith, Jr., served as a long-time member of the Jefferson County Republican Executive Committee and its Steering Committee and

was a past Vice Chairman for Finance and precinct captain of the Jefferson County Republican Party; and

WHEREAS, Albert Lee Smith, Jr., was elected the State Vice Chairman of the Alabama Republican Party for the Fifth, Sixth, and Seventh Congressional Districts and spent countless hours helping to guide the State Party as a member of the Steering Committee of the Alabama Republican Party; and

WHEREAS, Albert Lee Smith, Jr., was instrumental in the Ballot Security Efforts of the Alabama Republican Party during the 1996 election and worked long and hard to recruit and train poll watchers and poll workers for the Jefferson County Republican Party; and

WHEREAS, Albert Lee Smith, Jr., continuously recruited members to the Republican Party, motivated others to make a difference, and made a special effort to involve young people in Republican politics; and

WHEREAS, Albert Lee Smith, Jr., was steadfastly committed to conservative principles of limited government, lower taxes, and a strong national defense and fought to restore America's Judeo-Christian heritage; and

WHEREAS, Albert Lee Smith, Jr., demonstrated integrity and humility in all his dealings and was truly a statesman and patriot of the highest order; and

WHEREAS, Albert Lee Smith, Jr., did let his "light shine before men" in such a way as to glorify our Father who is in Heaven; and

WHEREAS, Our Lord called Albert Lee Smith, Jr., to Himself on August 12, 1997; and

WHEREAS, Albert Lee Smith, Jr., will be sorely missed by the members of the State Republican Party and by the citizens of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the State Republican Party in mourning the death of one of its faithful leaders and friends, Albert Lee Smith, Jr.

BE IT FURTHER RESOLVED, That we join the State Republican Party in expressing our condolences to the family of Albert Lee Smith, Jr., and by copy of this resolution, share in the loss.

Approved August 28, 1997

Time: 2:01 P.M.

Act No. 97-736

H.J.R. 91 – Reps. Box, Turner, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis, Wren

HOUSE JOINT RESOLUTION

COMMENDING THE SATSUMA 16-YEAR-OLD BABE RUTH ALLSTARS ON WINNING THE 1997 BABE RUTH WORLD SERIES.

WHEREAS, the Satsuma 16-Year-Old Babe Ruth Allstars completed an outstanding 1997 regular season in baseball, advancing to the Area Tournament where they compiled a 3-0 record; they then won the State Tournament in Sylacauga, Alabama, with a 4-1

record, and the Southeast Regional Tournament in Purcellville, Virginia, with a 5-1 record on their way to the Babe Ruth World Series; and

WHEREAS, expertly managed and coached by Manager John Bruns and Coaches Chris Hendricks and Terry Lynd, with invaluable assistance from Team Mom Cathy White, the individual team members include: Ken Altman, Mikey Blaylock, Jeremy Blount, Josh Bonds, Jay Broome, Charley Brown, the winner of the World Series Sportsmanship Award, Sean Bryant, Brad Collins, Wesley Floyd, the World Series batting title winner (.579) and a member of the all-tournament team, Lee Hartley, a member of the all-tournament team; Keith Langley, Marc Mahan, the World Series Most Valuable Player (MVP) and all-tournament team member, Jeffrey White, an all-tournament team member, and Roger Wilson, an all-tournament team member; and

WHEREAS, after losing the first game, the Satsuma Allstars Team won six straight games to win the World Series play-offs in Springdale, Arkansas on August 23, 1997, by defeating Staten Island, New York, 11-3, and 7-3, and averaging a punishing 9.5 runs per game in tournament play; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend each member of the Satsuma 16-Year-Old Babe Ruth Allstars on their Babe Ruth World Series title for 1997, and do further direct that each team member, manager, coach, and team mom receive a copy of this resolution as a token of our sincere appreciation and esteem.

Approved August 28, 1997

Time: 3:10 P.M.

Act No. 97-737

H.J.R. 104 – Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING MRS. SALLY THOMAS ON THE OCCASION OF HER 100TH BIRTHDAY

WHEREAS, it is with warm affection and heartfelt congratulations that Mrs. Sally Thomas is recognized on the occasion of her 100th birthday, August 30, 1997; and

WHEREAS, a native of Calvert, Alabama, and resident of Satsuma, Alabama, Mrs. Thomas has been a devoted and obedient

servant of God at First Baptist Church, Satsuma, for more than 55 years; and

WHEREAS, losing her son during World War II while he served with patriotism in the United States Armed Forces, she is one of the oldest living Gold Star Mothers in Alabama; and

WHEREAS, Mrs. Thomas, whose husband was the late John L. Thomas, Sr., had the joy of parenting 8 children; and is the extremely proud grandmother to 17 grandchildren, 26 great grandchildren, and four great-great grandchildren; and

WHEREAS, Mrs. Sally Thomas continues to amaze everyone with her alertness, positive attitude, devotion to mankind, and her ever-present warm and friendly smile, and throughout her lifetime, her value to the community has been displayed throughout a variety of activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Thomas is congratulated upon the celebration of her birthday, August 30, 1997, and, by copy of this resolution, extended sincere best wishes for a joyous birthday celebration.

Approved August 28, 1997

Time: 3:11 P.M.

Act No. 97-738

S.J.R. 7 – Senators Waggoner
and Smitherman

SENATE JOINT RESOLUTION

COMMENDING TYRENDIA WILLIAMS OF BIRMINGHAM, ALABAMA, UPON HER SELECTION AS AMERICA'S JUNIOR MISS, 1997.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of Miss Tyrendia Williams of Birmingham, Alabama, as America's Junior Miss, 1997; and

WHEREAS, the daughter of Tyrone and Jerona Williams, and a student at Vestavia Hills High School, Miss Williams is a young lady of exceptional talent and ability, and one who is indeed deserving of this prestigious honor; and

WHEREAS, among numerous activities, she is a student teacher at dance school, a member of the debate team, Youth

Sunday School, and West Service Girls, and a student researcher at the University of Alabama, Birmingham; also, among numerous honors and awards over her exemplary high school career, she has served as National Honor Society secretary, National Latin Honor Society secretary, Student Government Association Representative, Girls State Community Representative, Leo Club president, secretary and sophomore board member, debate team secretary, Homecoming Queen, and Class Favorite, to name but a few; and

WHEREAS, she has equally served her community in such capacities as Metrochangers Home Building and Repair volunteer, Salvation Army Christmas Toy Drive helper, Lions Club Fruit Sale volunteer, Multiple Sclerosis Walk/Run participant, speaker for Girl Scouts of America 85th Anniversary, fund raiser for the Daycare Center, and performer for SGA fund raiser, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon her selection as America's Junior Miss, 1997, and in recognition of outstanding achievement, we hereby most highly commend Miss Tyrenda Williams of Birmingham, Alabama, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved August 29, 1995

Time: 8:15 A.M.

Act No. 97-739

S.J.R. 10 – Senators Freeman, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

RECOGNIZING WITH HIGHEST COMMENDATION MAIXENT BLAISE LAVODRAMA OF BANGUI, CENTRAL AFRICA.

WHEREAS, it is with great pleasure that the Legislature of Alabama recognizes Maixent Blaise Lavodrama of Bangui, Central Africa, a recent graduate of Faulkner University in Montgomery, and an exceptional young man of extraordinary character and achievement; and

WHEREAS, born May 11, 1971, in Bangui, Central Africa, young Maixent Blaise Lavodrama, or "Max" as he prefers, was fourteenth of 20 children born to Prosper and Yvette Lavodrama; and

WHEREAS, his father, Prosper Lavodrama, served as Ambassador for the Central African Republic to the Ivory Coast, Sweden, Norway, and Denmark; as Minister of Information, Minister of Foreign Affairs, and Minister of National Security under the past two governments; and currently as president of MESAN, one of the political parties in Central Africa; his mother, Yvette Lavodrama, is an elementary school teacher in Bangui; and his brothers and sisters are scattered throughout the world in Spain, France, Germany, the Ivory Coast, and Belgium; of particular note, one of his brothers, Anicet, who lives in Spain, is a professional basketball player; and

WHEREAS, lauded by his teachers and coaches, admired and respected by his peers, Max Lavodrama achieved a 3.8 grade point average, a 4.0 his final semester, and graduated with honors with a B. S. in Computer Information Systems; and

WHEREAS, while at Faulkner young Max, whose native language is French, but who speaks four languages fluently, was named to the President's List, the Dean's List, the National Dean's List; was 1996 Homecoming King and a Mr. Faulkner University nominee; a member of Alpha Chi National Honor Society, Who's Who, Kappa Sigma Phi Social Club, and the Faulkner Eagles basketball team; and was the recipient of such honors and awards as NAIA All-American Scholar-Athlete, Citizenship Award for Athletic and Academic Achievement, All-American Scholar by the United States Achievement Academy (1994, 1997), and Southern States Conference Winner of the 1996 A. O. Duer Award and Emil L. Liston Award; Max also actively participated in the prison ministry while at Faulkner; and

WHEREAS, most especially, however, Max Lavodrama has impacted the lives and captured the hearts of a young lad and his family, the Senator Dewayne Freeman family and their son, Justin, who describes Max as having a "winning smile" and a "heart of gold," and with whom he shared the lazy days of summer enjoying picnics on the grounds at Shakespeare Festival, making plans for the days ahead; playing games of basketball, tennis, football and

other favorite sports; reading favorite books, working on his math, or sharing a pizza from Cici's, where Max worked; or simply talking about life, God, and other important things; and

WHEREAS, now that Max will be leaving for Atlanta and graduate school, Justin says he loves Max, thinks about him everyday, and will never forget him; however, he and Max have already made a "pinky promise" to be lifelong pen pals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in tribute to this outstanding young man, Maixent Blaise Lavodrama of Bangui, Central Africa, and, by copy of this resolution, extend to him our sincere regard and best wishes for every continuing success in all future pursuits and life's endeavors.

Approved August 29, 1997

Time: 8:16 A.M.

Act No. 97-740

S.J.R. 12 – Senator Langford

SENATE JOINT RESOLUTION

COMMENDING JIMMY MCCREE FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Jimmy McCree is retiring after more than 33 years of government service, and it is appropriate at this time to extend public recognition to him for his professional leadership; and

WHEREAS, Mr. McCree, who is being honored by friends and associates at a retirement ceremony at Willie's Dining Hall, Montgomery, Alabama, on August 23, 1997, also served his profession long and well as Vice President of the Montgomery Local Postal Union for 15 years; and

WHEREAS, a graduate of George Washington Carver High School, he is a respected veteran of the Korean War and served with honor as a member of the Alabama National Guard; and

WHEREAS, Mr. McCree, a devoted Sunday School Superintendent at Jackson Street Baptist Church, also has made an enormous impression with his exemplary leadership as the business manager of the Carver High Alumni Association, as well as sharing his expertise as an active and energetic member of the W. H. Harris Masonic Lodge #784; and

WHEREAS, Jimmy McCree has succeeded in compiling an impressive record of career achievements and has indeed earned the admiration and respect of those persons who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. McCree is commended on his long and distinguished professional government service and do further direct that he receive a copy of this resolution as an expression of our tribute and esteem.

Approved August 29, 1997

Time: 8:17 A.M.

Act No. 97-741

S.J.R. 13 – Senator Davidson

SENATE JOINT RESOLUTION

DESIGNATING THE ROBERT T. “BOB” WILSON HIGHWAY.

WHEREAS, Robert T. “Bob” Wilson, one of the most distinguished citizens of Walker County, Alabama, served honorably in World War II; was a devoted father, husband, and brother to his family; successfully practiced in the legal profession for many, many years in Walker County; and served well and honorably the citizens of Walker County and the State of Alabama through his service in the Alabama State Senate; and

WHEREAS, this body wishes to honor and commemorate the memory of Robert T. “Bob” Wilson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the continuous route previously known as County Road 30, from the Sumiton-Dora area to Cordova, and continuing from Cordova to Parrish (County Road 22), and continuing from Parrish to Oakman on a newly constructed road which is yet to be numbered, is hereby designated as the Robert T. “Bob” Wilson Highway, also to be designated as State Road 18.

RESOLVED FURTHER, That the appropriate officials are respectfully requested to place markers and signs.

Approved August 29, 1997

Time: 8:18 A.M.

Act No. 97-742

S.J.R. 16 – Senators Biddle, Lindsey,
and Butler

SENATE JOINT RESOLUTION

DESIGNATING THE MONTH OF MAY 1998, AS “VIRAL
HEPATITIS AWARENESS MONTH.”

WHEREAS, chronic viral hepatitis currently infects 5 million Americans nationwide and there are 350,000 to 450,000 new cases of viral hepatitis each year in the United States; and

WHEREAS, approximately 13,000 Americans die each year from the consequences of the hepatitis B and C virus; and

WHEREAS, the consequences of untreated chronic hepatitis B and C virus result in staggering costs, and because of the nature of hepatitis being largely an asymptomatic disease it is often undetected until irreversible liver damage has occurred; and

WHEREAS, chronic hepatitis B and C is largely unreported and the public is uninformed about the seriousness of this disease, and the Alabama Legislature recognizes the importance of educating the citizens of Alabama about the alarming consequences of hepatitis B and C virus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the month of May, 1998, as “Viral Hepatitis Awareness Month” in the State of Alabama, urging public awareness on behalf of the Department of Public Health through public education about the seriousness of the consequences of hepatitis B and C virus.

Approved August 29, 1997

Time: 8:19 A.M.

Act No. 97-743

S.J.R. 19 – Senator Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE PRATTVILLE 10 AND UNDER GIRLS
FAST PITCH SOFTBALL TEAM.

WHEREAS, the City of Prattville Parks and Recreation Department organized five Fast Pitch Softball teams that are sanctioned by the Alabama Recreation and Parks Association for

girls 10 and under to accommodate 75 girls who participated in a Fast Pitch Softball League; and

WHEREAS, all five teams played 16 regular season games, and following a tournament to select a championship team, the "Angels" were declared the league champions, coached by Mr. Robert Andrews, Mr. Michael Hicks, and Mr. Frank Wilkes; and

WHEREAS, members of the 1997 All-Star Team selected jointly by the league coaches were Alex Andrews, Crystal Arant, Ashley Byrd, Alicia Cherrix, Lulu Gardner, Catherine Hicks, Ashley Jones, Camille Karst, Kenna Phelps, Lauren Tyus, Samantha Walters, and Ashley Wilkes; and

WHEREAS, the State Softball League held a Round Robin Tournament in Auburn, Alabama, on July 26, 1997, sponsored by the Alabama Recreation and Parks Association, and the City of Prattville All-Stars 10 and Under Girls Fast Pitch Softball team won the State Championship, the first fast pitch softball team to ever win a state title in the history of the City of Prattville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the House and Senate, and particularly Senator Wendell Mitchell and Representative Mac Gipson, hereby highly commend and congratulate the Prattville Girls Fast Pitch Softball Team, Prattville's first state championship team, and its coaches and parents.

BE IT FURTHER RESOLVED, That a copy of this resolution of appreciation be provided to the team coaches for proper presentation.

Approved August 29, 1997

Time: 8:20 A.M.

Act No. 97-744

S.J.R. 17 – Senator Smith

SENATE JOINT RESOLUTION

DESIGNATING THE NORTHEAST ALABAMA INDUSTRIAL ACCESS HIGHWAY PROJECTS.

WHEREAS, highways are the lifeline of the State of Alabama for travel and commerce, therefore, there is always the need to maintain, update, or expand our highways to keep pace with increasing traffic needs; and

WHEREAS, industry follows highway development and improvement, bringing new and expanded businesses necessary

for the creation of new jobs, which in turn, generate new revenue for the state and for education; and

WHEREAS, there exists the need to improve East-West Highway Routes in the state by four-laneing some existing highways and by the construction of additional highways; and

WHEREAS, the Department of Transportation is to be commended for identifying some of these needs and assigning names and project numbers to these plans; and

WHEREAS, U.S. Highway 278 has been assigned project numbers ST-552-4, ST-552-19, ST-552-5, ST-552-6, ST-552-8, ST-552-9, ST-552-10, ST-552-18, ST-623-8, ST-623-9, and ST-623-12; and

WHEREAS, some engineering work has been done on some of these projects, with some right-of-way already having been acquired; and

WHEREAS, the four-laneing of U.S. 278 will greatly enhance the probability of securing new and expanded industry in the state and particularly in Northern Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That these projects are designated as the Northeast Alabama Industrial Access Highway Projects.

RESOLVED FURTHER, That the proper authorities upon completion may place and maintain appropriate signs and markers designating these projects as provided herein.

Approved September 2, 1997

Time: 8:15 A.M.

Act No. 97-745

S.J.R. 21 – Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH RAYMOND CROSBY OF STOCKTON, ALABAMA.

WHEREAS, it is with deep and profound sorrow that the Legislature of Alabama records the death of Joseph Raymond Crosby of Stockton, Alabama, on August 2, 1997, at the age of 83 years; and

WHEREAS, a prominent member of the Baldwin County community, Joseph Raymond Crosby, or Jack as he was familiarly known, was an astute businessman, a loyal patriot, a dedicated public servant, conservationist, and concerned citizen; he was also a devoted family man and friend, whose care and concern for those dearest to his heart was reflected in his many endeavors on their behalf; and

WHEREAS, a native of Mobile, Alabama, Mr. Crosby graduated with honors from Rhodes College and received his MBA from Harvard University School of Business; he served as a Lieutenant Commander in the Navy during World War II and, over his career, worked at several large companies, including Marshall Field and Company; and

WHEREAS, Mr. Crosby was widely known and respected for his leadership and involvement in civic, educational, and environmental affairs, and, over the years, served on the Chicago Crime Commission, as a trustee of Rhodes College, and as a member of the boards of the Baldwin County Department of Human Resources, the Presbyterian Children's Home, North Baldwin Hospital Foundation, and Treasure Forest Landowners, among other activities of benefit to the community; and

WHEREAS, in tribute to his accomplishments, Mr. Crosby was the recipient of such eminent awards and distinctions as the National Good Steward Award of the Arbor Day Foundation, the 1991 Conservationist of the Year Award by the Alabama Wildlife Federation, and was one of the first people to receive the Helene Moseley Treasure Forest Award from the Alabama Department of Conservation and Natural Resources; and

WHEREAS, the high esteem in which Jack Crosby was held by his loving family, his myriad of friends, and other individuals fortunate enough to have known him, indeed stands as a testament for others who strive for the best in personal, professional, public and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Joseph Raymond Crosby of Stockton, Alabama, and, by copy of this resolution, extend our very deepest sympathy to his devoted wife of 55 years, Sarah Norris Crosby; his six children and their spouses, Sallie and Sandy Smith, Ray and

Sandy Crosby, Martha and Doug Jacobs, Sam and Ann Crosby, Anne and Miller Williams, and Ellie and Jim Albert; sisters, Lucille McDowell, Jane Spencer and Jessie Crosby; to his 10 grandchildren; and other close family members and friends.

Approved September 2, 1997

Time: 8:16 A.M.

Act No. 97-746

S.J.R. 22 – Senators Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT T. WILSON, SR., OF JASPER, ALABAMA.

WHEREAS, recorded with immense sorrow is the lamentable death of our friend and former State Senator Robert T. “Bob” Wilson, Sr., of Jasper, Alabama, at the age of 75 years; and

WHEREAS, Senator Wilson was a native of Dora, Alabama, and graduate of Walker High School and the University of Alabama School of Law; and

WHEREAS, a highly decorated Air Force veteran of World War II who flew 65 missions as a B-26 tailgunner in the European Theatre, he garnered numerous medals and awards in recognition of his military accomplishments including multiple air medals, four Presidential Unit Citations, and the prestigious French Croix De Guerre; and

WHEREAS, he was elected to serve on the State Democratic Executive Committee in 1954, and in 1962 was elected to represent Walker, Fayette, and Lamar Counties in the State Senate where he served from 1962-1967 and 1970-1978; and

WHEREAS, Senator Wilson was especially instrumental in passing the Alabama Surface Mine Reclamation Act and Black

Lung Act and worked on numerous other equally important legislative projects, including the highway building program and medical college expansion, as well as the consolidation of the University of Alabama at Birmingham's Medical School; and

WHEREAS, named outstanding orator at the close of the 1971 legislative session, Senator Wilson also delivered the speech nominating former Governor George C. Wallace for the United States presidency in 1972; and

WHEREAS, Robert T. "Bob" Wilson, Sr., is survived by his loving wife, Ruth; son, former State Senator Robert T. Wilson, Jr.; daughters, Sue Wilson Stough and Sally Wilson DeWitt; and four grandchildren, Sarah Elizabeth and Sally Rebecca DeWitt and Emma Lisa and Matthew Wilson Stough; and was preceded in death by daughter, Alice Kay Wilson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend and colleague, former Senator Robert T. Wilson, Sr., and do further direct that a copy of this resolution be provided to his wife, Ruth, that she may know that we sincerely share the sorrow of her great loss.

BE IT FURTHER RESOLVED, That in appreciation of his services to the State of Alabama and his fellowman, that a separate page of the Journal of the Senate be dedicated to his memory, and set apart for the preservation of this resolution.

Approved September 2, 1997

Time: 8:17 A.M.

Act No. 97-747

S.J.R. 23 – Senators Freeman, Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CLARENCE K. ULMER OF DEMOPOLIS, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of Clarence K. Ulmer of Demopolis, Alabama, on August 11, 1997, at the age of 73 years; and

WHEREAS, a well-known and much beloved member of his community, Mr. Ulmer was a successful businessman who served the Demopolis area for some 45 years as owner of Ulmer Furniture Company; he also was a veteran of World War II, an avid outdoorsman, and founder of Bigbee Barons Dance Band in which he played tenor saxophone; and

WHEREAS, he was a devoted husband, a loving father, and a loyal friend, and one whose death has left an unfathomable void in the lives of his loving family, and in the hearts of all those whose lives he touched in loyal friendship and care and concern for their happiness and well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Clarence K. Ulmer of Demopolis, Alabama, and, by copy of this resolution, extend our deepest heartfelt sympathy to his beloved wife, Ruby D. Ulmer; three daughters, Ellen U. O'Shields, Susan U. Brister, and Carole U. Bravo; son, C. Kirven Ulmer; seven grandchildren and two great grandchildren; and to other close family members and friends.

Approved September 2, 1997

Time: 8:18 A.M.

Act No. 97-748

S.J.R. 25 – Senators Little, Dial, and Clay

SENATE JOINT RESOLUTION

COMMENDING JUDGE JAMES GULLAGE OF OPELIKA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

WHEREAS, it is with a great sense of pride that former Circuit Court Judge James Gullage is recognized for his distinguished legal service to the 37th Judicial Circuit, Lee County, and to the State of Alabama; and

WHEREAS, after more than 20 years of constructive influence in choreographing the futures of thousands of alleged lawbreakers, Judge Gullage, at the age of 59 years, was ranked one of the ten most senior judges in the Alabama judicial system; and

WHEREAS, he has been a positive force in numerous organizations including a volunteer with both the Prison Family Fellowship and Boy Scouts, numerous bar associations, two chambers of commerce, and as a respected Mason and president of The Retired Officers Association; and

WHEREAS, serving with distinction as a retired colonel in the reserves, Judge Gullage has joined with the successful law firm of Mike Williams in Opelika, Alabama; and

WHEREAS, Judge James Gullage has the humility of a truly great man, and his willingness to work, as evidenced by the volume of his work production, has earned for him the respect and admiration of his peers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take great pride in commending Judge Gullage, who is held in highest personal regard, on his invaluable leadership and selfless service to Lee County and the State of Alabama and, by copy of this resolution, extended sincere best wishes for continued success.

Approved September 2, 1997

Time: 8:19 A.M.

Act No. 97-749

S.J.R. 26 – Senator Waggoner

SENATE JOINT RESOLUTION

RECOGNIZING THE VESTAVIA HILLS HIGH SCHOOL BASEBALL TEAM ON ITS 1997 CLASS 6A STATE CHAMPIONSHIP.

WHEREAS, Vestavia Hills High School captured the 1997 Class 6A State Baseball Championship title, which came as a continuation of its successive 1994, 1995, and 1996 Class 6A titles, representing four consecutive state championships in baseball at Vestavia; and

WHEREAS, playing in the Class 6A division, Vestavia has won six state baseball championship titles over the last seven years; and

WHEREAS, this year, competing in the Class 6A division, Vestavia continued its championship style by claiming the Area 8 Title for the tenth consecutive year on its way to claiming the State 6A crown and amassing a remarkable record of 30 wins and 6 losses, including a 10-game winning streak; and

WHEREAS, the 1997 team highlights include a .341 batting average and a 1.29 team e.r.a., a four-homer game by Joe Zanthos; and two no-hitters, one pitched by Jeff Norris and one by Brent Speigner; and

WHEREAS, all of the state championships were accomplished under the steady and capable coaching of Sammy Dunn; and

WHEREAS, the 1997 team members include: Rhett Bennett, Scott Brasher, Jared Bussey, Lewis Chitwood, Charlie Crabbe, Blair Echols, Robert Evans, Adam Faust, Evan Hibbard, Philip Holmes, Wes Kelley, Ken Kerpicka, Reese Kincaid, David Lawyer, Hugh Mitchell, Michael Murray, Jeffrey Norris, Jeremy Owen, Scott Prier, Michael Scivley, Brent Speigner, Brad Stein, Adam Tamburello, Matt Whitaker, and Joseph Zanthos; and

WHEREAS, Coach Dunn was ably assisted by assistant coaches Charlie Dickinson, Cas McWaters, Bruce Evans, and John Wyman; statisticians Kevin Lynch and Neil Hatchett; and manager Adam Prendergast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Vestavia Hills High School Baseball team on the fourth of its consecutive state championships by winning the State 6A title and that a copy of this resolution be provided for appropriate school display.

Approved September 2, 1997

Time: 8:20 A.M.

Act No. 97-750

S.J.R. 27 – Senator Armistead

SENATE JOINT RESOLUTION

COMMENDING DR. LINDA CHAMBERS MAHAN FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, the August 1997 retirement of Dr. Linda Chambers Mahan brings to a close a long and distinguished career of dedicated service to the University of Montevallo; and

WHEREAS, Dr. Mahan earned her undergraduate degree from Wesleyan College, a master's degree from the University of Alabama, and her Ph.D from the University of Montevallo; and

WHEREAS, in September of 1962, Dr. Mahan married Dr. Stanley Michael Mahan, a prominent dentist in the Montevallo

area, and they are the proud parents of two daughters: Susan Margaret (Miki) Schneider and Stann Malinda Garris, and have three wonderful grandsons: Michael, Jacob and Jesse; and

WHEREAS, Dr. Mahan, who began her teaching career as a public school music teacher in Columbus, Georgia, and whose career at Montevallo spanned some 31 years, joined the faculty at Montevallo as director of counseling; and

WHEREAS, in 1982, Dr. Mahan became the first woman in Alabama higher education to hold the title of vice president in the state's university system when she assumed the position as Vice President for Student Affairs, which she held until her recent retirement; in May of this year, Dr. Mahan was awarded the rank of Emerita Vice President for Student Affairs and Professor of Counseling and Foundations; and

WHEREAS, she is a member of the Golden Key National Honor Society, Omicron Delta Kappa, and Phi Kappa Phi, and the recipient of such prestigious awards as the John Jones Award for Outstanding Performance as a Dean of Student Affairs in the NASPA, Region III, and the John Koldus Award for Distinguished Service to NASPA, and was recently honored with the Distinguished Achievement in a Profession Award, bestowed by her alma mater, Wesleyan College; and

WHEREAS, Dr. Mahan became one of the few higher education professionals in Alabama invited to participate in the Institute for Educational Management at Harvard University, and served as the national president for the Association for Humanistic Education and Development in 1982, and was chosen as the regional vice president of the National Association of Student Personnel Administrators in 1990-1992; and

WHEREAS, in addition to her professional career, Dr. Mahan has pursued her avocation as a violinist with the Red Mountain Chamber Orchestra, the Birmingham Symphony Orchestra, and the Columbus Symphony Orchestra; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to her outstanding accomplishments and tenure of service to Montevallo University, highest commendation is hereby accorded Dr. Linda Chambers Mahan, for whom a copy of this resolution shall be provided as a measure of our esteem and sincere best wishes for every future happiness and success in retirement.

Approved September 2, 1997

Time: 8:21 A.M.

Act No. 97-751

S.J.R. 30 – Senators Windom and Myers

SENATE JOINT RESOLUTIONMOURNING THE DEATH OF WILLIAM BAYLEY OF
MOBILE COUNTY, ALABAMA.

WHEREAS, it is with deepest sadness and regret that the Legislature of Alabama records the death of William Bayley of Mobile County, Alabama, on August 2, 1997; and

WHEREAS, a native of Alvin, Texas, and a resident of Mobile County, Alabama, since 1942, Mr. Bayley was founder and owner of Bayley's, a well-known restaurant in Fowl River, Alabama, since 1947; and

WHEREAS, he also was a 32nd Degree Mason, a member of the Loop Masonic Lodge #895 F & AM, a Past Potentate of the Abba Temple Shrine, and a member of the American Legion #250; and

WHEREAS, the lamentable death of William Bayley has indeed left an unfathomable void in the life of the community, and in the hearts of his beloved family and many friends who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of William Bayley of Mobile County, Alabama, and, by copy of this resolution, extend very deepest sympathy to his beloved wife, Mrs. Ethel Peterson Bayley; daughter, Karolyn Hatem; son, William Bayley, Jr.; eight grandchildren, and 10 great-grandchildren; and to other close family members and friends.

Approved September 2, 1997

Time: 8:22 A.M.

Act No. 97-752

S.J.R. 33 – Senator Windom

SENATE JOINT RESOLUTION

COMMENDING THE ASA EIGHT AND UNDER NATIONAL
CHAMPIONS.

WHEREAS, heartiest congratulations are herein extended to the girls eight and under ASA National Champions who will be

honored at ceremonies to be hosted by the Theodore Athletic Association on August 29, 1997, at the Tillman's Corner Community Center; and

WHEREAS, the spectacular Championship victory, culminating an outstanding season, indeed showcased the technical and inspirational skills of coaches Cindy Brown, Tinker Dunning, Tim Johnson, Mack McCraney, Billy Meadows, and Tony Rivers, and the dedication and will-to-win spirit of each player; and

WHEREAS, the team's roster of Champions consists of Meghan Austin, Brittney Biggs, Brianne Charlton, Kelsy Donaldson, Heather Dunning, Marshal Graydon, Hannah Griffin, Brianna Hammack, Cari Johnson, Kayla McCraney, Monica Meadows, Jackie Moore, Mindy Pate, Summer Rivers, Christie Soulis, Shauna Suttle, Ashleigh Turner, and Katie Welch; and

WHEREAS, these fine young athletes have indeed brought great honor to themselves, their community, and state, and are deserving of highest praise and recognition for their exceptional efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding achievement, we hereby most highly commend the girls eight and under ASA National Champions, and direct that a copy of this resolution be provided for appropriate presentation and display.

Approved September 2, 1997

Time: 8:23 A.M.

Act No. 97-753

S.J.R. 34 – Senator Windom

SENATE JOINT RESOLUTION

COMMENDING THE 14-YEAR-OLD THEODORE BABE RUTH LEAGUE BASEBALL TEAM AS NATIONAL CHAMPIONS.

WHEREAS, heartiest congratulations are herein extended to the 14-year-old Theodore Babe Ruth League National Championship Baseball Team who will be honored at ceremonies to be hosted by the Theodore Athletic Association on August 29, 1997, at the Tillman's Corner Community Center; and

WHEREAS, the spectacular Championship victory, culminating an outstanding season, indeed showcased the technical and inspirational skills of manager, Tony Hendrix, and coaches Rob Roberson

and Will Bostick, the talent and tenacity of an exceptional staff, and the dedication and will-to-win spirit of each player; and

WHEREAS, the team's roster of Champions consists of Chris Copeland, Joseph Parden, Bo Briggs, Frankie Dean, Chad Roberson, Hal Hepburn, Mark Barton, Clint Howard, Joseph Flores, Jared Wright, Lance Howard, Chris Peavy, B. J. Catchot, Nick Zavros, and Jack Phillips; and

WHEREAS, these fine young athletes have indeed brought great honor to themselves, their community, and state, and are deserving of highest praise and recognition for their exceptional efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding achievement, we hereby most highly commend the Theodore 14-year-old Babe Ruth National Champions, and direct that a copy of this resolution be provided for appropriate presentation and school display.

Approved September 2, 1997

Time: 8:24 A.M.

Act No. 97-754

S.J.R. 36 – Senators Little, Amari, Bedford, Adams, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FORMER STATE SENATOR DONALD G. HOLMES.

WHEREAS, recorded with immense sorrow is the untimely and lamentable death of our friend and former colleague, Senator Donald G. Holmes, Oxford, Alabama, on June 25, 1997, at the age of 53 years; and

WHEREAS, Senator Holmes, who spent 15 years as a politician and statesman, served with eminence and great dedication in the

House of Representatives from 1975 to 1978 and Senate from 1978 to 1990; he also served as executive director of the Community Bankers Association from 1990 to 1996; and

WHEREAS, a native of Eastaboga, Alabama, Senator Holmes was especially instrumental in developing plans for Calhoun County road projects, especially the Western Bypass around Anniston, a portion of which has been dedicated in his honor; and

WHEREAS, Senator Holmes was the son of Dewey Holmes, a prominent cattleman in Eastaboga, and Martha Lucille Holmes, whom he credited for his political aspirations; and

WHEREAS, his numerous honors and awards included Outstanding Legislator by the Alabama Small Business Council, Citizen of the Year by the Alabama Cable Television Association, Oxford Jaycees Distinguished Service Award, and Outstanding Young Man of the Year; and

WHEREAS, highly respected and admired by his colleagues and associates, he was indeed a warm and caring public servant who greatly influenced and inspired all those whose lives he touched, and whose many accomplishments earned him the highest regard and affection of his fellow members of the Alabama Legislature; and

WHEREAS, Senator Holmes was a prominent and faithful member of Bynum United Methodist Church, and is survived by his loving wife, Brenda, who serves with distinction as a board member of Auburn University at Montgomery; devoted daughter, Connie Lynn Holmes; brother, Julian Holmes; niece, Haden Brown; and one great niece, Elizabeth Anne Brown, in whose sorrow we share; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend and colleague, Senator Donald G. Holmes, and do further direct that a copy of this resolution be provided for his family that they may know that we sincerely share the sorrow of their great loss.

Approved September 2, 1997

Time: 8:25 A.M.

Act No. 97-755

H.J.R. 28 – Reps. Guin, Hogan

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT T. WILSON, SR., OF JASPER, ALABAMA.

WHEREAS, recorded with immense sorrow is the lamentable death of our friend and former State Senator Robert T. "Bob" Wilson, Sr., of Jasper, Alabama, at the age of 75 years; and

WHEREAS, Senator Wilson was a native of Dora, Alabama, and graduate of Walker High School and the University of Alabama School of Law; and

WHEREAS, a highly decorated Air Force veteran of World War II, he garnered numerous medals and awards in recognition of his military accomplishments including multiple air medals, four Presidential Unit Citations, and the prestigious French Croix De Guerre; he also flew 65 missions with valor as a B-26 tailgunner in the European Theatre; and

WHEREAS, Senator Wilson, who was elected to serve on the State Democratic Executive Committee in 1954, later represented Walker, Fayette, and Lamar Counties in the State Senate from 1962-1967 and 1970-1978, and was especially instrumental in passing the Alabama Surface Mine Reclamation Act and Black Lung Act; and

WHEREAS, other equally important legislative projects included the highway building program and medical college expansion, as well as the consolidation of the University of Alabama at Birmingham's Medical School; and

WHEREAS, named outstanding orator at the close of the 1971 legislative session, Senator Wilson also delivered the speech nominating former Governor George C. Wallace for the United States presidency in 1972; and

WHEREAS, Robert T. "Bob" Wilson, Sr., is survived by his loving wife, Ruth; son, former State Senator Robert T. Wilson, Jr.; daughters, Sue Wilson Stough, Sally Wilson DeWitt, and Alice Kay Wilson, deceased; and four grandchildren, Sarah Elizabeth and Sally Rebecca DeWitt and Emma Lisa and Matthew Wilson Stough; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend and colleague, former Senator Robert T. Wilson, Sr., and do further direct that a copy of this resolution be provided to his wife, Ruth, that she may know that we sincerely share the sorrow of her great loss.

Approved September 2, 1997

Time: 8:26 A.M.

WHEREAS, Terry Vince Talley, a Corporal with the Tuscaloosa Police Department, has unselfishly served his community with great dedication and distinction; and

WHEREAS, providing valuable evidence in solving numerous burglaries, Corporal Talley indeed exemplifies the dedication of law enforcement officers throughout Alabama who seek to provide the highest level of service and protection to their communities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Corporal Terry Vince Talley is commended for his superior record of dedicated and highly effective law enforcement service and, by copy of this resolution, extended sincere gratitude and appreciation of the public.

Approved September 2, 1997

Time: 8:28 A.M.

Act No. 97-758

H.J.R. 33 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING CHARLES E. THOMAS AS RECIPIENT OF THE TROOPER OF THE YEAR AWARD FOR 1996.

WHEREAS, the men and women who devote their time and energy to the duties of law enforcement service have assumed responsibilities essential for the safety of their fellow citizens; and

WHEREAS, Charles E. Thomas, a Trooper with the Alabama Department of Public Safety, Tuscaloosa Post, has unselfishly served his community with great dedication and distinction for the past 20 years, serving as a field training officer since 1990; and

WHEREAS, Trooper Thomas exemplifies the dedication of law enforcement officers throughout Alabama who seek to provide the highest level of service and protection to their communities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Trooper Charles E. Thomas is commended for his superior record of dedicated and highly effective law enforcement service and, by copy of this resolution, extended sincere gratitude and appreciation of the public.

Approved September 2, 1997

Time: 8:29 A.M.

Act No. 97-759

H.J.R. 49 – Reps. Carothers, Clouse, Moore,
Baker, Seibenhener

HOUSE JOINT RESOLUTION

COMMENDING GENE RAGAN OF DOTHAN, ALABAMA,
AS PROGRESSIVE FARMER'S MAN OF THE YEAR.

WHEREAS, noted with great pleasure is the selection of Gene Ragan of Dothan, Alabama, as 1997 Man of the Year by Progressive Farmer magazine; and

WHEREAS, Gene Ragan, who is widely known for his "Gene Ragan Farm Show," which first aired on WTVY-TV some 38 years ago and is considered the longest running farm television show in America today, has been involved in agricultural pursuits and endeavors for more than 50 years of his life; and

WHEREAS, born and raised on a farm in Georgia, Gene Ragan worked his way through Abraham Baldwin Agricultural College and the University of Georgia and worked with the Georgia Agricultural Extension Service before venturing out on his own to begin the "Gene Ragan Farm Show" in April 1958; and

WHEREAS, in addition to his Saturday night show and a 20-minute segment at noon during the week, during which he interviews guests, gives the agricultural forecast, and reports on farmers' markets, he also does a morning radio show and writes a farm column for The Dothan Eagle; and

WHEREAS, among countless other pursuits and achievements over the years, he has initiated and coordinated a number of Agricultural Leadership Conferences and the Tri-States Blue Ribbon Panel for Agriculture for many years; was instrumental in the establishment of the Tri-State Center for Sustainable Rural Development; and has served in leadership and support of numerous agricultural organizations; and

WHEREAS, throughout his career, Mr. Ragan has been honored for his achievements by agricultural agencies, farm organizations, conservation groups, and community organizations throughout the state, and more recent awards include the Auburn University Agricultural Alumni Hall of Honor, the Dothan Area Chamber of Commerce "Small Business Person of the Year," and the Dothan Rotary Club's "Paul Harris Fellow" award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the agricultural community,

and as Progressive Farmer's 1997 Man of the Year, highest commendation and congratulations are hereby extended to Gene Ragan of Dothan, Alabama, for whom a copy of this resolution shall be provided.

Approved September 2, 1997

Time: 8:30 A.M.

Act No. 97-760

H.J.R. 15 – Rep. Millican

HOUSE JOINT RESOLUTION

COMMENDING STATE TROOPER POST COMMANDER RECTOR JOHNSON AS ALABAMA TROOPER OF THE YEAR.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the distinguished career of State Trooper Post Commander Rector Johnson, who was honored as Alabama State Trooper of the Year by the Hamilton Post on April 18, 1997; and

WHEREAS, a native of Lamar County, Trooper Johnson served his country with honor in the United States Army and is currently serving as a major in the Alabama Army National Guard with more than 12 years of commissioned service; and

WHEREAS, Trooper Johnson, who attended the University of Maryland (overseas division), Beville State Community College, Northwest Alabama Junior College, and the University of Virginia, received a Bachelor of Science Degree in Political Science from the University of Alabama, graduating with honors; and

WHEREAS, he is an exemplar of professional participation through membership in the National Trooper Association, Association of Black Law Enforcement, and the Society of American Military Engineers, and has completed more than 15 military training schools during the past 20 years; and

WHEREAS, Trooper Johnson is married to his beloved wife, Margaret, and they are the extremely proud parents of four children; and

WHEREAS, an outstanding law enforcement officer, and one who holds a distinguished record in his profession, Trooper Post Commander Rector Johnson is held in highest regard by his fellow citizens, co-workers, and peers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby

recognize State Trooper Post Commander Rector Johnson, upon his selection as Alabama State Trooper of the Year, to whom a copy of this resolution of highest praise and regard shall be presented.

Approved September 2, 1997

Time: 8:31 A.M.

Act No. 97-761

H.J.R. 19 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING SERGEANT WILLIE E. PREWITT AS LAW ENFORCEMENT OFFICER OF THE YEAR.

WHEREAS, Sergeant Willie E. Prewitt, Supervisor of the Northport Public Housing Division, has received the prestigious Exchange Club Law Enforcement Officer of the Year Award; and

WHEREAS, Sergeant Prewitt, a native of Tuscaloosa County, attended Brewer State College, Langston University, and the University of Alabama Law Enforcement Academy; and

WHEREAS, a talented 20-year veteran with the Northport Police Department, he has championed scores of causes and has been especially significant in his efforts on behalf of the Fraternal Order of Police, Boys Club of America, Northport Public Housing Tenant Board Council representing Northport citizens, and is an active member of the Public Housing Tenant Board Council; and

WHEREAS, Sergeant Prewitt is a faithful member of First Baptist Church, Northport, and is married to Kathy Russell Prewitt, his loving and supportive wife; and

WHEREAS, the high esteem in which Sergeant Willie E. Prewitt is held by his myriad of friends and other individuals fortunate enough to know him indeed stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Sergeant Prewitt is commended on his distinguished record of service with the Northport Police Department, and that a copy of this resolution be presented to him as a token of our respect and best wishes.

Approved September 2, 1997

Time: 8:32 A.M.

Act No. 97-762

H.J.R. 20 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING SERGEANT MARK HARRIS BOAZMAN AS RECIPIENT OF THE 1996 LAW ENFORCEMENT OFFICER OF THE YEAR AWARD.

WHEREAS, Sergeant Mark Harris Boazman, a police officer with the University of Alabama Department of Public Safety, has received the prestigious 1996 Exchange Club Law Enforcement Officer of the Year Award; and

WHEREAS, Sergeant Boazman is a graduate of Murphy High School, Mobile, Alabama, and received his B. A. and Master's Degrees from the University of Alabama; he also graduated from the University of Alabama Law Enforcement Academy in 1986; and

WHEREAS, a talented police officer who devotes his time and interest to provide for the safety of his fellow citizens, he has championed scores of causes and been especially significant as a 3-11 Unit Commander, an instructor for the Rape Aggression Defense Program, and as a supervisor of the Police Officer Field Training Program; and

WHEREAS, the high esteem in which Sergeant Mark Harris Boazman is held by his myriad of friends and other individuals fortunate enough to know him indeed stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Sergeant Boazman is commended on his distinguished record of service with the University Department of Public Safety, and that a copy of this resolution be presented to him as a token of our respect and best wishes.

Approved September 2, 1997

Time: 8:33 A.M.

Act No. 97-763

H.J.R. 21 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING DEPUTY BEN A. TINGLE AS RECIPIENT OF THE DEPUTY OF THE YEAR AWARD.

WHEREAS, Ben A. Tingle, a Deputy with the Tuscaloosa County Sheriff's office and resident and community service deputy for the Holt Community, has received the prestigious Exchange Club Deputy of the Year Award; and

WHEREAS, Deputy Tingle, a graduate of Holt High School and the University of Alabama Law Enforcement Academy, also has attended numerous schools and seminars in a wide variety of law enforcement programs; and

WHEREAS, a talented veteran with the Sheriff's Community Policing Advisory Committee, he has championed scores of causes and been especially significant in his efforts on behalf of the custodial division, patrol, and tactical unit, and serves his profession well as an armor and firearms instructor; and

WHEREAS, Deputy Tingle, who is married to the former Carrie Elizabeth Mitchell, is held in high esteem by his myriad of friends and other individuals fortunate enough to know him and he stands as a testament for others who strive for the best in personal, professional, and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Deputy Tingle is commended on his distinguished record of service with the Tuscaloosa County Sheriff's office, and that a copy of this resolution be presented to him as a token of our respect and best wishes.

Approved September 2, 1997

Time: 8:34 A.M.

Act No. 97-764

H.J.R. 23 – Rep. Carns

HOUSE JOINT RESOLUTION

COMMENDING DR. PADGETT C. COPE ON 50 YEARS OF DISTINGUISHED MINISTRY AND EXTENDING SPECIAL CONGRATULATIONS ON HIS 50TH WEDDING ANNIVERSARY.

WHEREAS, Dr. Padgett C. Cope, a native of Montgomery, Alabama, and resident of Birmingham, Alabama, has faithfully ministered to countless individuals as a Southern Baptist Pastor for 50 years, beginning at the age of 17 years while serving with valor in the United States Navy; and

WHEREAS, after attending Clarke College and Samford University, he received additional religious training at New Orleans Baptist and Eastern Baptist Theological Seminaries and obtained Honorary Doctor of Divinity Degrees from both Emanuel

Act No. 97-756

H.J.R. 29 – Reps. Guin, Hogan

HOUSE JOINT RESOLUTION

COMMENDING TERRI CRUMP BOLEN OF JASPER, ALABAMA, UPON HER SELECTION AS MRS. ALABAMA FOR 1997.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of Terri Crump Bolen of Jasper, Alabama, as Mrs. Alabama for 1997; and

WHEREAS, the daughter of Dr. John Crump and the late Cassandra Crump, Mrs. Bolen is a native of Walker County and graduate of Walker College, she also attended the University of Alabama and holds a degree in communications; and

WHEREAS, a lady of exceptional talent and ability, one of Mrs. Bolen's greatest accomplishments is her tireless work with Juvenile Diabetes, of which she is an ardent supporter and master motivator for others; and

WHEREAS, married to her loving and supportive husband Johnny for 14 years, they are the proud and doting parents of John Tyler, age 11, and Morgan, age 9;

WHEREAS, Terri Crump Bolen, who has contributed significantly toward the well-being of women, has improved the social graces of the Southern woman and is indeed deserving of this prestigious honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon her selection as Mrs. Alabama, 1997, and in recognition of outstanding achievement, we hereby most highly commend Terri Crump Bolen, for whom a copy of this resolution shall be provided.

Approved September 2, 1997

Time: 8:27 A.M.

Act No. 97-757

H.J.R. 31 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING TERRY VINCE TALLEY AS RECIPIENT OF THE TROOPER OF THE YEAR AWARD.

WHEREAS, the men and women who devote their time and energy to the duties of law enforcement service have assumed responsibilities essential for the safety of their fellow citizens; and

School of Theology and Arkansas Baptist College, as well as an Honorary Doctor of Laws Degree from Troy State University; and

WHEREAS, under his spiritual guidance at Liberty Baptist Church, Alliance, Alabama, Dr. Cope has been a constant inspiration to his church family as a true and lasting symbol of strength, love, and commitment to the Lord; and

WHEREAS, he is deeply involved in civic and religious organizations as President of the Greater Birmingham Ministers Conference, Associate Director of Alabama Citizens Action Program, and as a member of the 32 Degree Scottish Rite Mason and 32 Degree York Rite Mason; and

WHEREAS, Dr. Cope also was the recipient of the prestigious President's Award presented by the American Lebanese League, the only non-Lebanese to ever receive this award; and

WHEREAS, married to his loving and supportive wife, the former Betty Williams, for 50 years, they are the proud parents of four children and doting and active grandparents to 16 grandchildren; and

WHEREAS, the bond of caring and belonging that Dr. Padgett C. Cope has brought to the members of his congregation and family have indeed earned for him the admiration and respect of the many individuals who have had the pleasure of knowing him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Cope is indeed commended on his long and distinguished record of spiritual service and extended special congratulations on his 50th Wedding Anniversary.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Cope with sincere best wishes for future happiness.

Approved September 2, 1997

Time: 8:35 A.M.

Act No. 97-765

H.J.R. 43 – Reps. Dean, Turner

HOUSE JOINT RESOLUTION

COMMENDING THE OLIVER J. DODGE ELEMENTARY PTA AS RECIPIENT OF THE ADVOCATES FOR CHILDREN AWARD FROM THE NATIONAL PTA.

WHEREAS, the Oliver J. Dodge Elementary PTA in Mobile County is recognized as a national model for parent involvement

in school issues, an honor only given to eight organizations in the United States; and

WHEREAS, the National PTA, who presented the Advocates for Children Award to Oliver J. Dodge Elementary PTA, is an annual award which recognizes achievements of local PTA units in the areas of child advocacy and student involvement, and honors the dedication and effectiveness of professional educators; and

WHEREAS, qualifications for this prestigious award include clearly defining goals and priorities; conducting programs that encourage and strengthen parent involvement; and establishing, maintaining, or strengthening links with the state and National PTA's, among others; and

WHEREAS, the Oliver J. Dodge Elementary PTA truly exemplifies and embodies the spirit of the PTA members, school administration, student body, and the Mobile Community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Oliver J. Dodge Elementary PTA is most highly commended as recipient of the Advocates for Children Award and presented a copy of this resolution for appropriate school display.

Approved September 2, 1997

Time: 8:36 A.M.

Act No. 97-766

H.J.R. 39 – Rep. Turner

HOUSE JOINT RESOLUTION

DESIGNATING THE KEN MALONE PARKWAY IN SARALAND, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 158 in the city limits of Saraland, Alabama, is hereby designated the Ken Malone Parkway.

BE IT FURTHER RESOLVED, That the proper local officials are hereby requested to erect and maintain signs and markers identifying the Ken Malone Parkway.

Approved September 2, 1997

Time: 8:37 A.M.

Act No. 97-767

H.J.R. 40 – Reps. Ford, Galliher, Page

HOUSE JOINT RESOLUTION

COMMENDING JAMES KNIGHT, DEVELOPER OF RIVER COUNTRY CAMPGROUND, GADSDEN, ALABAMA.

WHEREAS, James Knight, Developer of River Country Campground, Gadsden, Alabama, is to be commended as a good steward of the abundant natural bounty and beauty of the Gadsden Community and surrounding areas; and

WHEREAS, a wonderful life is measured not only by its length, but by the depth of its experiences; and

WHEREAS, mankind has long sought the solace of a flowing stream, the feel of a cooling breeze, the comfort of shading tree, and the peace of a personal spiritual retreat; and

WHEREAS, in his thirst for innovation and technology, modern man has permeated his lifestyle with convenience and efficiency; and

WHEREAS, the Developer of River Country Campground has demonstrated a deep awareness of the travelers' need for both the tranquility of nature and the convenience of science; and

WHEREAS, this awareness has produced a campground facility beside the beautiful Coosa River in Downtown Gadsden that preserves and magnifies the beauties of nature while providing accommodations for modern family living; and

WHEREAS, among the many facilities provided are 112 individual camp sites with water and sewer hookups, L. P. gas, cable T. V., telephone service, and an air conditioned central activity center with meeting rooms; and

WHEREAS, other enjoyable conveniences are fireplaces, bath houses, a pond and country store; picnic and party pavilions, fishing piers, boardwalk, boat launch, riverboat landing, and a lighted river walk for romantic evening strolls; and

WHEREAS, James Knight also has provided a small place of prayer, Ruth's Chapel, in honor of his mother and her teachings, nestled among whispering pines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James Knight, Developer of River Country Campground, is commended on developing one of the most beautiful campgrounds in the State of Alabama and Southeastern United States and, by copy of this

resolution, extended future success in sharing his love of nature with others.

Approved September 2, 1997

Time: 8:38 A.M.

Act No. 97-768

H.J.R. 41 – Reps. Allen, Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING COACH JIM WELLS ON OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

WHEREAS, the successes of the University of Alabama Head Baseball Coach Jim Wells, 1997 American National Baseball Coach of the Year, are a source of great joy and pride to the people of the State of Alabama, and it is appropriate to honor and commend him on his outstanding athletic achievements; and

WHEREAS, Coach Wells, a native of Bossier City, Louisiana, is a graduate and former coach of Northwestern State University and received his Master's Degree in Education Administration from Louisiana State University; and

WHEREAS, personifying that positive ability to persevere and win, he coached the University of Alabama Crimson Tide Baseball Team to three consecutive Southeastern Conference tournaments, hosted two exciting NCAA Regionals, and appeared in the last two College World Series as the number-one seed, including the prestigious 1997 National Championship game; and

WHEREAS, he also compiled an impressive 148-56 overall record during his three years at Alabama, claimed the first back-to-back 50-win season for the university and, in 36 home games for the Crimson Tide Baseball Team, registered a phenomenal school record with 80,363 fans; and

WHEREAS, the recipient of numerous awards and honors, Coach Wells was a three-time Southland Conference Coach of the Year winner and is one of those special coaches who will be renowned and admired as long as baseball is played; and

WHEREAS, the people of Alabama are proud to recognize athletes the caliber of Coach Jim Wells, who possess the skill and determination to succeed in their efforts, and who display a keen sense of sportsmanship and competitive spirit; and

WHEREAS, married to his loving and supportive wife, the former Lisa Breazeale, they are the proud parents of two daughters, Lauren and Melissa; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge and applaud the exceptional achievements of Coach Wells and, by copy of this resolution, convey to him the appreciation of the countless fans of the University of Alabama and best wishes for continued success.

Approved September 2, 1997

Time: 8:39 A.M.

Act No. 97-769

H.J.R. 44 – Rep. Gipson

HOUSE JOINT RESOLUTION

COMMENDING BILLY TITUS ADAIR ON HIS PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Billy Titus Adair is retiring after more than 36 years of distinguished service with Central Alabama Electric Cooperative, and it is appropriate at this time to extend public recognition to him for his professional leadership; and

WHEREAS, the youngest of three children born to Otto and Ellie Mae Adair of Vernon, Alabama, Mr. Adair was a graduate of Vernon Elementary and Lamar County High Schools, and received his B. S. and M. S. degrees from Auburn University; and

WHEREAS, after serving his country with honor in the United States Army, including a tour of duty to Greenland, he began his employment with Central Alabama Electric Cooperative on April 1, 1961; and

WHEREAS, Mr. Adair also contributed to his profession in numerous responsible capacities including membership with the Alabama Electric Cooperative Board of Trustees, as chairman of the Action Committee for Rural Electrification, and as a board of director for the National Rural Electric Cooperative Association; and

WHEREAS, he further served with faithful adherence to public trust on the Communications Committee for six years, and as chairman of the RS&I Committee for two years; and

WHEREAS, Mr. Adair also has made an enormous impression with his exemplary leadership and expertise as an active and

energetic member of the Prattville Industrial Development Board and Prattville Area Chamber of Commerce; and

WHEREAS, a devoted deacon and elder of the Prattville Church of Christ for 20 years, Billy Titus Adair is married to his loving wife, the former Doris Ann Walker; and they are the proud parents of sons, Rusty and Ryan; daughters-in-law, Tracy and Tonya; and two grandsons, Cody and Chase; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama, and especially Representative Mac Gipson and Senator Wendell Mitchell, heartily commends Mr. Adair on his long and distinguished professional service with Central Alabama Electric Cooperative and do further direct that he receive a copy of this resolution as an expression of our tribute and esteem.

Approved September 2, 1997

Time: 8:40 A.M.

Act No. 97-770

H.J.R. 45 – Rep. Thomas (D)

HOUSE JOINT RESOLUTION

COMMENDING RYAN M. HOLDER OF PELL CITY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Legislature of Alabama herein extends highest commendation to Ryan M. Holder of Pell City, Alabama, who has attained the rank of Eagle Scout, scouting's highest honor, and was recognized and received his badge of rank at a Court of Honor held July 29, 1997, at New Hope Baptist Church in Pell City, where he is an active member; and

WHEREAS, the son of Mr. and Mrs. Walter N. Holder, and a senior at Pell City High School this fall, young Ryan has indeed proven himself worthy of this prestigious honor through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status, and earned 37 Merit Badges and three Palm Leaves, the most a Boy Scout can earn; and

WHEREAS, since joining the Scouts in the first grade, Ryan has displayed those finest qualities of leadership and service at all levels of scouting, receiving his Religious Award and Arrow of

Light as a Cub Scout, his Second Class Rank in 1991, First Class Rank, 1993, Star Rank and Life Rank, 1994, Order of the Arrow, 1995, and Eagle Rank on March 23, 1997; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary achievement, and on his attainment of the rank of Eagle Scout, highest commendation is hereby accorded Ryan M. Holder of Pell City, Alabama, a young man of whom we are justly proud, and to whom a copy of this resolution shall be presented.

Approved September 2, 1997

Time: 8:41 A.M.

Act No. 97-771

H.J.R. 46 – Rep. Millican

HOUSE JOINT RESOLUTION

COMMENDING CASSIUS O. JOHNSON OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, the Legislature of Alabama herein takes great pride in recognizing Cassius O. Johnson on his recent election as International President of Phi Theta Kappa; and

WHEREAS, Cassius Johnson, a student at Bevill State Community College, was one of 40 other Phi Theta Kappa members from across the United States and Canada running for the prestigious office during the Phi Theta Kappa International Convention held on April 24-27, 1997, in Dallas, Texas; and

WHEREAS, election to an international office is the highest capacity of leadership that can be accomplished by members of Phi Theta Kappa, requiring active membership in good standing, and exclusive enrollment in a two-year college with a 3.50 or higher cumulative grade point average at the end of the last term; and

WHEREAS, a fine young man of exceptional character and ability, Cassius Johnson, a native of Hamilton, Alabama, and the son of Ms. Deborah Marchbanks and Sergeant Rector and Mrs. Margaret Johnson, also holds the distinction of being named the Phi Theta Kappa Alabama Regional President for 1997-98; and

WHEREAS, over his career at Bevill State, he has served in such leadership positions as president of the Student Government Association, Bevill State Community College ambassador, and a

Capstone Leadership Conference participant; he also has been on the National Dean's List, and Mentor-Youth Empowerment Program-Auburn University, and recipient of the National Minority Student Leadership Award, the Outstanding Leadership Award-Birmingham Southern Model Senate, and the Carroll Sasser Leadership Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, highest commendation is hereby extended to Cassius O. Johnson of Hamilton, Alabama, for whom a copy of this resolution shall be provided with sincere best wishes for every continuing success in all future pursuits and life's endeavors.

Approved September 2, 1997

Time: 8:42 A.M.

Act No. 97-772

H.J.R. 47 – Rep. Turner

HOUSE JOINT RESOLUTION

DESIGNATING THE MAGNOLIA TRAIL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 158 from the City of Prichard to the Washington County line be designated the Magnolia Trail.

BE IT FURTHER RESOLVED, That proper agencies and authorities are encouraged to: post proper signage at each end of the trail that describes its historical significance and the beauty of its natural surroundings; restrict clear cutting of the trees; provide protection and lighting for the magnolia trees along the trail; provide natural beautification by selected plantings; and provide parks and historical markers along the trail.

Approved September 2, 1997

Time: 8:43 A.M.

Act No. 97-773

H.J.R. 53 – Reps. Clouse, Baker,
Carothers,
Seibenhener

HOUSE JOINT RESOLUTION

COMMENDING THE DOTHAN NATIONAL RED ALL-STARS BASEBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Dothan National Red All-Stars as Alabama Dixie Youth Baseball Champions; and

WHEREAS, under the capable leadership of coaches, Dean Williams, Stacey Harrison, Archie Solomon, Alan Hightower, Brian Holman and Craig Daughtry, and in an impressive display of talent and will, these exceptional young athletes achieved an outstanding team record, successfully defeating Hartsell 2-1, Vestavia 3-1 and 5-0, South Bibb 3-1 and 5-0, and Prattville 7-1, after one a 3-1 loss to them earlier, to capture the coveted title; and

WHEREAS, sharing in the glory of their accomplishments were team members David Hatcher, Blake Spitler, Scott Stewart, Derrick Walker, Creighton Daughtry, Archie Solomon, Casey Tedder, Clint Robinson, Ben Tankersley, Dan Tankersley, Cullen Tobin, Jason Hightower, and Chris Morrison; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as winners of the Alabama Dixie Youth Baseball Championship, and in recognition of outstanding achievement, we hereby most highly commend the Dothan National Red All-Stars and, as a token of tribute, we do further direct that a copy of this resolution be provided for appropriate presentation and display.

Approved September 2, 1997

Time: 8:44 A.M.

Act No. 97-774

H.J.R. 56 – Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING MRS. TESSIE LEE ELLIS FOR HER LIFETIME ACHIEVEMENTS.

WHEREAS, Mrs. Tessie Lee Ellis has brought great credit and distinction to herself through her many lifetime achievements, and it is appropriate to highlight her accomplishments, and to extend special honor and highest commendation; and

WHEREAS, born on December 21, 1905, Mrs. Ellis married her late husband, Orous Lee Ellis, in Walnut Grove, Mississippi, in 1927, while he was a talented saxophone player and her notable performances included playing the piano for silent movies; and

WHEREAS, after receiving a degree in elementary education from Livingston University, Mrs. Ellis brought professionalism, honor, and respect to the educational field as a teacher for more than 40 years before her retirement in 1972; and

WHEREAS, as an active and beloved member of the Satsuma Community Development Organization, she continued her high level of professional involvement by participation with the National Education Association and as a charter member of Alpha Delta Kappa, Mobile, Alabama, for 40 years; and

WHEREAS, Mrs. Tessie Lee Ellis, a warm and gracious lady, also is known for her remarkable musical talents and impeccable style while providing distinct pleasure to others through her professional achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Ellis is indeed commended on her prestigious lifetime achievements and we do further direct that she receive a copy of this resolution as an expression of our tribute and esteem.

Approved September 2, 1997

Time: 8:45 A.M.

Act No. 97-775

H.J.R. 59 – Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING REITA ELLIS WILSON FOR HER LIFETIME CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

WHEREAS, highest commendation is hereby accorded Reita Ellis Wilson of Satsuma, Alabama, for her lifetime contributions to the field of education and to her community; and

WHEREAS, Mrs. Wilson, an outstanding educator for many years, graduated from the University of Southern Mississippi in 1954, and taught in the Mobile County school system for over 30 years before retiring in 1992 from Satsuma High School; and

WHEREAS, Mrs. Wilson further dedicated her time, energy, and resources as a sponsor for the Pep Squad and the senior class while at Satsuma High School, and since her retirement has served as a member of the Satsuma Library Board, the Satsuma Community Development Organization, the Satsuma United

Methodist Church, and as volunteer at Springhill Memorial Hospital; and

WHEREAS, Mrs. Wilson's commitment to the field of education and to her community has earned for her the respect and admiration of all those whose lives she has touched with her care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to her outstanding lifetime of service, we hereby commend Reita Ellis Wilson for her exemplary dedication to the field of education and to her community, and direct that she receive a copy of this resolution with our sincere appreciation for her many contributions.

Approved September 2, 1997

Time: 8:46 A.M.

Act No. 97-776

H.J.R. 61 – Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING SANDRA JONES FOR HER CONTRIBUTIONS TO EDUCATION AND THE COMMUNITY.

WHEREAS, highest commendation is hereby accorded Sandra Jones of Satsuma, Alabama, for her contributions to the field of education and to her community; and

WHEREAS, Sandra Jones, an outstanding volunteer for many years, has served as an officer in the Parent Teacher Organizations and Parent Teacher Associations of the elementary, middle, and high schools which her children attended; and

WHEREAS, Mrs. Jones has continued her commitment to education as a Partner-in-Education and was a founding member in 1983 of the Saraland-Satsuma Community Education Advisory Council, holding every office on the Council board; and

WHEREAS, in further dedication of her time, energy, and resources, Mrs. Jones has served as a member of the Satsuma High Quarterback Club, a member of the Satsuma First Baptist Church, and a founding member of the Satsuma Community Development Organization; and

WHEREAS, her commitment to improving the education system in her community has earned for her the respect and admiration of all those whose lives she has touched with her care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to her outstanding service, we hereby commend Sandra Jones for her exemplary dedication to the field of education and to her community, and direct that she receive a copy of this resolution with our sincere appreciation for her many contributions.

Approved September 2, 1997

Time: 8:47 A.M.

Act No. 97-777

H.J.R. 62 – Reps. Buskey, Clark (W),
Mitchell, Kennedy

HOUSE JOINT RESOLUTION

COMMENDING THE MOBILE BEACON FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the First Annual Frank P. Thomas Scholarship/Awards Celebration, Saturday, June 14, 1997; and

WHEREAS, The Mobile Beacon, established June 1, 1943, has been a successful communicator for 54 years in the Mobile area, and has never missed an issue; and

WHEREAS, The Mobile Beacon is dedicated to a vocation of education and enlightenment, keeping readers informed of cultural, social and political issues in the community; and

WHEREAS, The Mobile Beacon has enhanced the economic well-being of the community by providing jobs, and has been committed to promoting better race relations; and

WHEREAS, The Mobile Beacon has been a forceful voice in keeping the citizens better informed with the current news and events that affect and shape their lives; and

WHEREAS, The Mobile Beacon as a publishing entity has helped develop infrastructures and support elements among families, churches, social organizations, advocacy groups, political groups, health care, and neighborhood associations through news coverage, editorials, advertising and personal interaction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby applaud and commend The Mobile Beacon, Mrs. Lencie Thomas

and Cleretta Thomas-Blackmon, publisher and editor, and the employees of the Mobile Beacon for their dedication and commitment to improving the lives of Mobile County citizens.

Approved September 2, 1997

Time: 8:48 A.M.

Act No. 97-778

H.J.R. 66 – Reps. Hall (A), Morrow, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, Wren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARY TEXAS HURT GARNER OF SCOTTSBORO, ALABAMA.

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of Mary Texas Hurt Garner, a prominent member of the Scottsboro Community, who died on July 1, 1997, at the age of 68 years; and

WHEREAS, affectionately known as Mary Tex, Mrs. Garner was elected Secretary of State in 1954 at the age of 25, the youngest such official in the nation during that time, and, in 1958, she was elected State Auditor; and

WHEREAS, re-elected State Auditor for a second term by an overwhelming majority in 1962, she won 55 of the state's 67 counties and was a highly effective politician who ably reflected the best in a public servant; indeed her integrity and concern for the people of the State of Alabama were proven invaluable assets to all; and

WHEREAS, the high regard in which Mrs. Garner is held by her myriad of friends, and other individuals fortunate enough to have known her stands as a testament for others who strive for the best in personal, professional, public, and community life, and her memory will live in the hearts and minds of all those whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with gratitude and praise the life and selfless service of Mrs. Garner, and extend heartfelt sympathy to her daughter, Mary Texas Robinson, who is married to Representative John Robinson, and son, William Garner, for whom a copy of this resolution shall be provided.

Approved September 2, 1997

Time: 8:49 A.M.

Act No. 97-779

H.J.R. 67 – Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING ROBERT AND FAYE WYLIE ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, heartiest congratulations are herein extended to Robert and Faye Wylie on the celebration of their 50th Wedding Anniversary; and

WHEREAS, joined in Holy Matrimony on August 16, 1947, they are the loving parents of four children and nine grandchildren; and

WHEREAS, Mr. Wylie, who is semi-retired from the lumber business and continues his involvement with land management, and Mrs. Wylie, a busy homemaker, remain committed and connected to their home on Lake Wedowee, where they enjoy golfing and fishing; and

WHEREAS, faithful and devoted members of First United Methodist Church, Wedowee, they also have distinguished themselves as highly regarded and admired members of their community, and have set an outstanding example of a cooperative and lasting marital partnership, in which both partners are respected by all who know them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Robert and Faye Wylie on their 50th Wedding Anniversary; commend them for achieving a long and happy marriage blessed with children, and rich in friendships; and, by copy of this resolution, extend to them best wishes for happiness and good health in the future.

Approved September 2, 1997

Time: 8:50 A.M.

Act No. 97-780

H.J.R. 68 – Rep. McKee

HOUSE JOINT RESOLUTION

CONGRATULATING TOMMY AND FRANCES MOORE ON THE OCCASION OF THEIR 52ND WEDDING ANNIVERSARY.

WHEREAS, the strength of our nation depends on the vitality of its families, and Tommy and Frances Moore of Montgomery, Alabama, are celebrating 52 years of marriage and are deserving of our warm wishes and heartiest congratulations; and

WHEREAS, their commitment to the ideals of marriage has enriched their lives and inspired those who have witnessed their devotion; and

WHEREAS, Mr. and Mrs. Moore have distinguished themselves as highly regarded and admired members of their community, and in addition to contributing as responsible and concerned

residents, they have set an outstanding example of a joyous and lasting marital partnership; and

WHEREAS, Mr. and Mrs. Moore were high school sweethearts and graduated from Belgreen High School in 1942; and

WHEREAS, Mr. Moore served his country with honor in World War II in the United States Navy, while Mrs. Moore contributed to the war effort at home; and

WHEREAS, Mr. and Mrs. Moore are members of the Church of Christ, they are devoted and obedient servants of God whose lives and deeds are a testimony to their deep and abiding faith; and

WHEREAS, their union has been enhanced by three loving children, Mrs. Annette Duncan, Mr. Brian W. Moore and Mr. Craig T. Moore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Tommy and Frances Moore on their 52nd Wedding Anniversary; commend them for achieving a long and happy marriage blessed with children, and rich in friendships; as well as upon character and accomplishments of their lives together; and, by copy of this resolution, extend to them best wishes for happiness and good health in the future.

Approved September 2, 1997

Time: 8:51 A.M.

Act No. 97-781

H.J.R. 69 – Reps. Hall (L), Buskey

HOUSE JOINT RESOLUTION

RECOGNIZING THE ALABAMA A&M UNIVERSITY DEPARTMENT OF ATHLETICS DEDICATION OF FACILITIES AND ROADS IN HONOR OF DISTINGUISHED CITIZENS AND ALUMNI.

WHEREAS, the Alabama A&M University (AAMU) Department of Athletics will host a special banquet on September 5, 1997, at the West Campus Living and Learning Center to officially dedicate certain facilities and roads in honor of distinguished alumni and citizens associated with AAMU; and

WHEREAS, Mr. Ike Rooks will serve as the Master of Ceremonies for the AAMU Department of Athletics at this very special event in the history of the department; and

WHEREAS, at the banquet, the following facilities and roads will be dedicated in honor of the following persons: The Louis Crews Football Stadium, the George H. Hobson Fieldhouse, Charles Bates Circle, Jerry Davis Road, Condrige Holloway, Sr., Road, John Stallworth Road, and John Taylor Road; and

WHEREAS, the unveiling event will culminate with the kick-off of the AAMU-University of North Alabama football game in Crews Stadium; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize with great pride the dedication ceremony of the AAMU Department of Athletics on September 5 and 6, 1997, and by copy of this resolution, extend our appreciation to the University and its Department of Athletics.

Approved September 2, 1997

Time: 8:52 A.M.

Act No. 97-782

H.J.R. 70 – Rep. Hill

HOUSE JOINT RESOLUTION

WISHING FRED HALL OF BIRMINGHAM, ALABAMA, A HAPPY 60TH BIRTHDAY ON SEPTEMBER 18, 1997.

WHEREAS, the Alabama Legislature is pleased to note the forthcoming birthday of Fred Hall on September 18, 1997; and

WHEREAS, this occasion is, of course, a milestone in life, as Fred is fast approaching the 60th anniversary of his birth, and it is an occasion not to go unnoticed by his many, many friends; and

WHEREAS, born to George and Daisy Hall of Birmingham, Alabama, he attended Fairfield High School and, being an avid Alabama football fan, decided to get an engineering degree from the University of Alabama; and

WHEREAS, Fred also served with pride as a tough 2nd Lieutenant with the United States Marine Corps; and

WHEREAS, even though his birthday count is now in a holding pattern, he has managed to attend Shelby County High School football games every Friday night for the past 10 years; still enjoys cookouts, lake parties, and boat rides at night; loves being a couch potato; and is well-known as a party animal; and

WHEREAS, Beverly, his wife of 34 years, is still putting up with him; his sons, Stewart and Charlie, just shake their heads when their father begins his trivia questions and tales of the Poland Invasion; and his daughters-in-law, Lisa and Stacey say "Fred who?"; and

WHEREAS, we happily anticipate the birthday of our friend, the Poet Laureate of Columbiana, Alabama, Fred Hall, as he slowly goes over the hill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Fred Hall the happiest birthday ever and direct that he receive a copy of this resolution as a memento of this special occasion.

Approved September 2, 1997

Time: 8:53 A.M.

Act No. 97-783

H.J.R. 71 – Reps. McMillan, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle,

Reed, Robinson, Rogers (J),
 Rogers (M), Sanderford,
 Sanderson, Seibenhener,
 Sims, Smith, Spratt, Starkey,
 Thomas (D), Thomas (J),
 Townsend, Turner, Turnham,
 Vance, Venable, Warren,
 White, Willis, Wren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH RAYMOND CROSBY OF STOCKTON, ALABAMA.

WHEREAS, it is with deep and profound sorrow that the Legislature of Alabama records the death of Joseph Raymond Crosby of Stockton, Alabama, on August 2, 1997, at the age of 83 years; and

WHEREAS, a prominent member of the Baldwin County community, Joseph Raymond Crosby, or Jack as he was familiarly known, was an astute businessman, a loyal patriot, a dedicated public servant, conservationist, and concerned citizen; he was also a devoted familyman and friend, whose care and concern for those dearest to his heart was reflected in his many endeavors on their behalf; and

WHEREAS, a native of Mobile, Alabama, Mr. Crosby graduated with honors from Rhodes College and received his MBA from Harvard University School of Business; he served as a Lieutenant Commander in the Navy during World War II and, over his career, worked at several large companies, including Marshall Field and Company; and

WHEREAS, Mr. Crosby was widely known and respected for his leadership and involvement in civic, educational, and environmental affairs, and, over the years, served on the Chicago Crime Commission, as a trustee of Rhodes College, and as a member of the boards of the Baldwin County Department of Human Resources, the Presbyterian Children's Home, North Baldwin Hospital Foundation, and Treasure Forest Landowners, among other activities of benefit to the community; and

WHEREAS, in tribute to his accomplishments, Mr. Crosby was the recipient of such eminent awards and distinctions as the National Good Steward Award of the Arbor Day Foundation, the 1991 Conservationist of the Year Award by the Alabama Wildlife Federation, and was one of the first people to receive the Helene Mosely Treasure Forest Award from the Alabama Department of Conservation and Natural Resources; and

WHEREAS, the high esteem in which Jack Crosby was held by his loving family, his myriad of friends, and other individuals fortunate enough to have known him, indeed stands as a testament for others who strive for the best in personal, professional, public and community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Joseph Raymond Crosby of Stockton, Alabama, and, by copy of this resolution, extend our very deepest sympathy to his devoted wife of 55 years, Sarah Norris Crosby; his six children and their spouses, Sallie and Sandy Smith, Ray and Sandy Crosby, Martha and Doug Jacobs, Sam and Ann Crosby, Anne and Miller Williams, and Ellic and Jim Albert, sisters, Lucille McDowell, Jane Spencer and Jessie Crosby; to his 10 grandchildren; and other close family members and friends.

Approved September 2, 1997

Time: 8:55 A.M.

Act No. 97-784

H.J.R. 85 – Rep. Hammett

HOUSE JOINT RESOLUTION

HONORING SMITH REA, JR., ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Smith Rea, Jr., of Carrollton, Texas, is retiring after more than 28 years of dedicated service to the Associates Corporation of North America and it is appropriate at this time to extend public recognition to him for his outstanding contributions; and

WHEREAS, Mr. Rea graduated from LaFollette High School, in LaFollette, Tennessee, in 1950, and continued his education at Davidson College in North Carolina, and at the University of Tennessee in Knoxville; and

WHEREAS, Mr. Rea has been employed since 1969 with Associates Corporation of North America, serving as its Vice President for Governmental Affairs for the last 12 years; and

WHEREAS, throughout his illustrious career, Mr. Rea has been renowned as an expert and advocate for various consumer and commercial finance and insurance issues, and played a major role in the creation of the Alabama Consumer Credit Act and in the negotiations surrounding the 1996 revision of the act; and

WHEREAS, Mr. Rea has served as chairman or president of numerous finance and consumer services associations across the South and his expertise and commitment to the field have been recognized through his receipt of the Tennessee Consumer Finance Associations' Distinguished Service Award on two occasions and his receipt of the Tennessee Legislative Black Caucus' "Special Friend" Award in 1987; and

WHEREAS, Mr. Rea's contributions and leadership have earned for him the respect and admiration of his community and profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby honor Smith Rea, Jr., on his long and distinguished career at the Associates Corporation of North America and in the field of consumer and financial services, and direct that Mr. Rea be provided a copy of this resolution as an expression of our sincere appreciation for a job well done.

Approved September 2, 1997

Time: 8:56 A.M.

Act No. 97-785

H.J.R. 86 – Rep. Dean

HOUSE JOINT RESOLUTION

COMMENDING THE THEODORE BABE RUTH LEAGUE BASEBALL TEAM ON ITS NATIONAL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature most heartily congratulates the Theodore Babe Ruth League Baseball Team on capturing both the fourteen-year old Babe Ruth League Southeast Regional and National Championships; and

WHEREAS, this spectacular 1997 Championship victory, culminating a remarkable season, again showcased the exceptional skills and talents of Head Coach Tony Hendrix, Assistant Coaches Rob Roberson and Will Bostick, other dedicated staff members, and the committed will-to-win spirit of each player; and

WHEREAS, other notable accomplishments during their season of excellence include playing the longest game in Babe Ruth tournament history, an amazing 17 innings; pitching three consecutive shut-outs; and an unbelievable 24 consecutive scoreless innings; and

WHEREAS, these fine young athletes bring great honor to themselves and the community, and are indeed deserving of highest praise for their outstanding efforts and contributions, and along with the followers of Theodore Babe Ruth League baseball, this legislative body admiringly acknowledges these august athletic accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend and congratulate the fourteen-year old Theodore Babe Ruth League Baseball Team and do further direct that a copy of this resolution be presented for appropriate school display.

Approved September 2, 1997

Time: 8:57 A.M.

Act No. 97-786

H.J.R. 87 – Rep. Townsend

HOUSE JOINT RESOLUTION

COMMENDING THE SIXTH-GRADE CLASSES AT JOHN E. BRYAN ELEMENTARY SCHOOL, MORRIS, ALABAMA, FOR OUTSTANDING ACHIEVEMENTS.

WHEREAS, Mrs. Shelly Chumley's sixth-grade class at John E. Bryan Elementary School, Morris, Alabama, was selected First Place Winner in the state and Second Place Winner of Project Citizen during the National Conference of State Legislatures in Philadelphia, Pennsylvania, during August 1997; and

WHEREAS, further noted with pride is Mrs. Diane Kendrick's sixth-grade class, also from Bryan Elementary School, who placed 2nd in the state; and

WHEREAS, sponsored by the Alabama Center for Law and Civic Education, Project Citizen is a civic education program for middle school students that promotes competent and responsible participation in state and local government; and

WHEREAS, it also actively engages students in learning how to monitor and influence public policy and encourages civic participation among students, their parents, and members of the community, and was funded, in part, by a line item appropriation from the Alabama State Legislature; and

WHEREAS, these talented sixth-grade students, of whom we are justly proud, completed research on accident site problems,

overcrowding in schools, and also researched the possibility of building a new middle school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sixth-grade classes of John E. Bryan Elementary School are most highly commended on their determination to succeed in their educational endeavors and further directed that a copy of this resolution be presented to John E. Bryan Elementary School for appropriate display.

Approved September 2, 1997

Time: 8:58 A.M.

Act No. 97-787

H.J.R. 89 – Rep. Hammett

HOUSE JOINT RESOLUTION

RECOGNIZING THE DIXON FAMILIES “THANK YOU” CELEBRATION ON OCTOBER 16, 1997.

WHEREAS, the Alabama Legislature notes with appreciation and admiration the Dixon Families “Thank You” Celebration which will be attended by a large gathering of friends and relatives at the Andalusia Country Club, Andalusia, Alabama, at 6:30 p.m. on October 16, 1997; and

WHEREAS, the Dixon Families, who provide financial support which empowers numerous non-profit organizations and educational institutions to promote and enhance improved health care, educational opportunities, economic prosperity, religious ideals, civic pride, and cultural appreciation which have enriched the lives of countless people in Covington County and the State of Alabama, are: Mrs. Charles (Thelma) Dixon, Catherine Dixon Roland, Mr. John Vick, and Mrs. Solon (Martha) Dixon; and

WHEREAS, intensely involved and valued members of their communities, the Dixon families have bequeathed a legacy of important and essential values necessary in sustaining our community and, through their philanthropic patronage with these organizations, have indeed improved the quality of life for many diverse individuals and have covered the full spectrum of mankind; and

WHEREAS, as true servants of the community who have worked tirelessly for the good and betterment of Covington County and the State of Alabama, the Dixon families, through their combined generosity and gentle kindness and concern for others, have made our communities and state a better place for all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That the Dixon Families are commended on this momentous occasion and, by copy of this resolution, extended a sincere "Thank You" from the many organizations and individuals who have been touched by their outstanding generosity.

Approved September 2, 1997

Time: 8:59 A.M.

Act No. 97-788

H.J.R. 90 – Rep. Gipson

HOUSE JOINT RESOLUTION

COMMENDING ALLEN WEEDON ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

WHEREAS, with utmost pride and pleasure, heartiest congratulations are extended to Allen Weedon, a distinguished educator and school administrator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education; and

WHEREAS, a graduate of Hicks Memorial High School, he received a degree in history and physical education from Livingston University and a Master's Degree from Troy State University at Montgomery; and

WHEREAS, Mr. Weedon gained praise and recognition for his innovative educational programs as a teacher at both Prattville Junior High and Autauga County High Schools, and as assistant principal at Prattville Primary School and principal at Prattville Intermediate School; and

WHEREAS, elected superintendent in 1984, he was reelected in 1988 and 1992 and, through his far-sighted efforts, was instrumental in air conditioning the schools, rebuilding Marbury High School, and building a new gymnasium at Prattville High School; he also began construction of both Pine Level and Daniel Pratt Elementary Schools; and

WHEREAS, as a result of his tireless hard work and unwavering commitment, Allen Weedon has succeeded in earning the admiration and respect of those students, faculty, and parents who have had the privilege of associating with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Weedon is

commended on his many educational achievements and, by copy of this resolution, conveyed sincere best wishes for continued success.

Approved September 2, 1997

Time: 9:00 A.M.

Act No. 97-789

H.J.R. 99 – Rep. Ford

HOUSE JOINT RESOLUTION

COMMENDING SMITH REA, JR., FOR DISTINGUISHED SERVICE.

WHEREAS, a long, long time ago, in a political world far, far away, Smith Rea, Jr., went from auctioneer to lobbyist, crossing a gap much smaller than might be imagined, to become a regional expert on government relations, whether in Tennessee, where the sun sometimes originates, or Alabama, where it usually sets; and

WHEREAS, he traveled the weary trails of government relations from statehouse to statehouse, both by interstate and the Natchez Trace, for years more than anyone save Fred Reber can recall; and

WHEREAS, Smith Rea, Jr., was forced on more than one occasion to lead various industry members into the strange world of politics not unlike an atheist tour of the Holy Land; and

WHEREAS, more than one observer was led to recall the immortal lines of Oliver Swift in Gulliver's Travels that whenever a common man seeks to rise above the masses, he will be surrounded by a confederacy of dunces; and

WHEREAS, there was also forced on his endurance various in-house and contract lobbyists whose collective mottoes might well have been "let the rough ends drag," bringing much consternation to the orderly and detailed mind of Mr. Rea; and

WHEREAS, he boldly persevered, endured, prevailed and survived decades of good will and bad will, and comparable food and drink; and

WHEREAS, he overcame all without benefit of a regular name, having his first name last and vice versa; and

WHEREAS, in the fashion of his homeboy hero, Davy Crockett, he took off a few days to direct the Tennessee Constitutional Convention that merely changed the law and helped his clients; and

WHEREAS, at the end of 1997, (A.M.C.—after mini code), Smith Rea, Jr., will no longer have to endure all the aforementioned indignities, insults, bores, malcontents, uninformed, misinformed, and general sloth and mendacity, having decided to retire; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pause to honor this pioneer of the lobbying profession, and to praise his intellect and character in a time when too few men and women possess an abundance of either.

Approved September 2, 1997

Time: 9:01 A.M.

Act No. 97-790

H.J.R. 100 – Rep. Gipson

HOUSE JOINT RESOLUTION

COMMENDING DANA JEANETTE BROWN UPON HER SELECTION AS VICE PRESIDENT OF MEMBERSHIP WITH NATIONAL FUTURE HOMEMAKERS OF AMERICA AND HOME ECONOMICS RELATED OCCUPATIONS.

WHEREAS, Dana Jeanette Brown is most highly commended upon her selection as Vice-president of Membership for National Homemakers of American and Home Economics Related Occupations; and

WHEREAS, Future Homemakers of America is a nonprofit national vocational student organization for young men and women in family and consumer sciences in public and private schools through grade 12; and

WHEREAS, Miss Brown, daughter of Ronald Duffie and Sandra Pruett Brown, is a senior at Marbury High School, as well as a classical pianist; and

WHEREAS, a HOBY Ambassador, she also was selected as a People to People Student Ambassador to Western Europe and Who's Who Among American High School Students, and served as Beta Club president, and as a Varsity Cheerleader captain for three years; and

WHEREAS, maintaining a 4.0 grade point average, she was yearbook co-editor and Mascot at Marbury High School and has contributed generously to numerous worthwhile endeavors including the March of Dimes and American Diabetes Association; and

WHEREAS, Dana Jeanette Brown is indeed a young Alabamian of extraordinary accomplishments who has brought great credit to her family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievements, we hereby most highly commend Miss Brown, of whom we are justly proud, and direct that a copy of this resolution be presented to her with highest praise and honor.

Approved September 2, 1997

Time: 9:02 A.M.

Act No. 97-791

H. 25 – Reps. Guin, Hogan

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to extend the authority of the Walker County Civil Service Board to all employees of the Office of the Sheriff of Walker County, and to repeal Act 97-175 of the 1997 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Effective the first day of the sixth month after the ratification of this amendment, all employees of the Office of the Sheriff of Walker County are subject to the authority of the Walker County Civil Service Board, or its successor.

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

“Relating to Walker County, proposing an amendment to the Constitution of Alabama of 1901, to subject all employees of the Office of Sheriff of Walker County to the authority of the Walker County Civil Service Board.

Proposed by Act _____”

This description shall be followed by the following language:

“Yes () No ().”

Section 4. Act 97-175, 1997 Regular Session, is repealed.

CONSTITUTIONAL AMENDMENT:

Passed the House August 20, 1997

Passed the Senate September 2, 1997

Act No. 97-792

S.J.R. 11 – Senators Mitchem, Dial, Barron,
Smitherman, McClain, Clay,
Smith, Denton, Waggoner,
Mitchell, Hale, Biddle, Steele,
Adams, Langford, Poole, Butler,
Bailey, Ghee, Lindsey,
Davidson, Figures,
Escott-Russell, Bedford, Myers,
Little, Roberts, and Dixon

SENATE JOINT RESOLUTION

**URGING THE ALABAMA DEPARTMENT OF REVENUE TO
STAY THE REAL PROPERTY REAPPRAISALS IN MARSHALL
COUNTY AND TO PERFORM ADDITIONAL REAPPRAISALS.**

WHEREAS, on May 17, 1995, then Revenue Commissioner Ralph P. Eagerton, Jr., ordered the taxing officials of Marshall County to reappraise all property located in the county according to its fair and reasonable value as of October 1, 1995, and that the appraised value be the basis of the assessment of property for purposes of ad valorem taxation; and

WHEREAS, the aforementioned reappraisal was completed during the 1997 calendar year and has resulted in grossly inaccurate valuations due to numerous errors that were inadvertently made; and

WHEREAS, the large number of hearings requested by taxpayers before the Board of Equalization has pushed the time frame for the hearings until at least the middle of November; and

WHEREAS, the fiscal year for the county begins on October 1st and if the issue of the new appraisals is not settled until November, the financial planning and budgets of the county will be in total chaos; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Commissioner of the Alabama Department of Revenue to stay the implementation of the recent property reappraisals in Marshall County and order new reevaluations be performed on all taxable property located in the county as soon as practicable.

BE IT FURTHER RESOLVED, That we request that the valuations of taxable property in Marshall County for the current taxable year be the same as the valuations for the 1995 taxable year.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Commissioner of the Alabama Department of Revenue that he may know of our concerns regarding this matter.

Approved September 3, 1997

Time: 4:30 P.M.

Act No. 97-793

S.J.R. 18 – Senators Escott-Russell,
Armistead, Bailey,
Smitherman, Figures,
Denton, and Sanders

SENATE JOINT RESOLUTION

CREATING THE CHILD FOSTER CARE JOINT INTERIM LEGISLATIVE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Child Foster Care Joint Interim Legislative Committee is created. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of child foster care in the State of Alabama.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide necessary clerical assistance for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1998 Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each

day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance on other state business.

BE IT FURTHER RESOLVED, That the committee shall undertake the following tasks: To review the criteria for placing and keeping children in foster care programs; to review the criteria for selection of child foster care providers; to review the minimum base pay and distribution of funds for providers; to identify an accountability process for providers; to review the quality of care provided to children in a foster care environment; to identify an accountability process for state agencies involved in child foster care; to review the availability of special services to meet the individual needs of children in foster care; and to gather input from foster care providers, state agencies involved in foster care, and children in foster care concerning their experiences, concerns, and recommendations.

BE IT FURTHER RESOLVED, That total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

Approved September 3, 1997

Time: 4:31 P.M.

Act No. 97-794

H.J.R. 35 – Rep. Knight (A)

HOUSE JOINT RESOLUTION

SUPPORTING CONGRESSIONAL EFFORTS TO ENACT
HR 1984 AND S. 1084 RELATING TO CLEAN AIR STANDARDS.

WHEREAS, the U.S. Environmental Protection Agency (EPA) has a responsibility to periodically review the National Ambient Air Quality Standards (NAAQS), and based on such a review, the EPA has promulgated new, more stringent ozone and particulate matter (PM) NAAQS regulations on July 17, 1997; and

WHEREAS, the revised standards will significantly increase the number of nonattainment areas in Alabama, resulting in expensive regulatory burdens on citizens, state and local governments, and businesses, in spite of Alabama's significant efforts which have improved air quality over the last two and a half decades; and

WHEREAS, the EPA's proposal to revise the NAAQS for ozone and PM sparked a serious debate as to whether new, significantly more stringent standards will actually improve public health; and

WHEREAS, serious concerns over these new standards have been expressed by over 220 members of Congress, more than half of the governors, over 1,000 state and local officials throughout the country, and thousands of small business organizations and citizens; moreover, strong objections have been raised by scientists, agricultural groups, minority groups, organized labor, and many of President Clinton's Cabinet members; and

WHEREAS, efforts currently are under way in Congress to resolve this dispute; members of the House of Representatives and members of the Senate have respectively introduced legislation, HR 1984 and S. 1084 that would provide the EPA with the time and tools to fully evaluate the concerns that have been raised by many experts, elected officials, and others, including the Alabama Department of Environmental Management; and

WHEREAS, HR 1984 and S. 1084 require the EPA to complete a more thorough review of ozone and fine particles within five years, in accordance with existing Clean Air Act provisions, and both Democrat and Republican members of Congress have agreed to cosponsor both measures; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our support of Congressional enactment of HR 1984 and S. 1084, ensuring the citizens of Alabama and the nation protection from excessive regulation regarding the adoption of Clean Air Standards, NAAQS and PM.

RESOLVED FURTHER, a copy of this resolution be provided to President Clinton, U.S. EPA Administrator Browner, and each member of the Alabama delegation in Congress.

Approved September 3, 1997

Time: 4:32 P.M.

HOUSE JOINT RESOLUTION

DESIGNATING THE MONTH OF MAY 1998, AS "VIRAL HEPATITIS AWARENESS MONTH."

WHEREAS, chronic viral hepatitis currently infects 5 million Americans nationwide and there are 350,000 to 450,000 new cases of viral hepatitis each year in the United States; and

WHEREAS, approximately 13,000 Americans die each year from the consequences of the hepatitis B and C virus; and

WHEREAS, the consequences of untreated chronic hepatitis B and C virus result in staggering costs, and because of the nature of hepatitis being largely an asymptomatic disease it is often undetected until irreversible liver damage has occurred; and

WHEREAS, chronic hepatitis B and C is largely unreported and the public is uninformed about the seriousness of this disease, and the Alabama Legislature recognizes the importance of educating the citizens of Alabama about the alarming consequences of hepatitis B and C virus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the month of May, 1998, as "Viral Hepatitis Awareness Month" in the State of Alabama, urging public awareness on behalf of the Department of Public Health through public education about the seriousness of the consequences of hepatitis B and C virus.

Approved September 3, 1997

Time: 4:33 P.M.

Act No. 97-796

S.J.R. 4 – Senators Mitchell and Freeman

SENATE JOINT RESOLUTION

MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE U. S. SENATE TO TAKE CERTAIN ACTIONS REGARDING GLOBAL GREENHOUSE EMISSIONS REDUCTION EFFORTS.

WHEREAS, the United States is a signatory to the 1992 Rio Framework Convention on Global Climate Change ("Convention") and is participating in international negotiations pursuant to a United Nations agreement negotiated in Berlin in 1995 ("Berlin Mandate") to expand the scope of the Convention; and

WHEREAS, the Berlin Mandate requires the United States and other advanced industrial nations ("Annex I parties") to negotiate legally binding quantified emission limitation and reduction

objectives for greenhouse gases for the post-2000 period without increasing the responsibilities of non-Annex I developing countries; and

WHEREAS, the United States and other Annex I parties to the Convention have committed to reduce emissions of greenhouse gases such as carbon dioxide to 1990 levels by the year 2000; and

WHEREAS, manmade emissions of greenhouse gases are caused primarily by the combustion of oil, coal, and natural gas fuels by industries, automobiles, and other consumptive uses of energy; and

WHEREAS, the United States relies on fossil fuels for more than 90 percent of its total energy supply and has among the lowest energy prices among all industrial nations; and

WHEREAS, the United States is not likely to meet its emission reduction target by the year 2000 due to economic and population growth, notwithstanding the development of numerous energy conservation and efficiency programs implemented by government and industry; and

WHEREAS, developing countries exempt from the Berlin Mandate are expected to increase their rates of economic growth and fossil fuel use over the next two decades and to surpass the United States and other Annex I parties in total emissions of greenhouse gases; and

WHEREAS, the imposition of legally binding requirements for the reduction of greenhouse gases by the United States and other Annex I parties would entail fundamental changes in our patterns of energy production, consumption, and prices with potentially severe adverse implications for workers, consumers, and industries dependent upon the production or use of fossil fuel; and

WHEREAS, the exemption in the Berlin Mandate for emission control obligations by developing countries could create an unfair competitive imbalance between industrial and developing nations to the detriment of job growth and economic development in the United States; and

WHEREAS, the Berlin Mandate could lead to the transfer of energy-intensive industries overseas and increased emissions of greenhouse gases by developing nations, thereby offsetting any environmental benefits associated with reductions achieved by the United States and other Annex I parties; and

WHEREAS, emission reductions by Annex I parties alone cannot meaningfully change future concentrations of atmospheric

greenhouse gases or avert the risk of environmental damage from climate change without global participation in the Convention; and

WHEREAS, the reduction of greenhouse gas emissions can be achieved most cost-effectively by the gradual retirement and replacement of existing buildings, appliances, industrial plants, equipment, and vehicles with more energy-efficient alternatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body calls upon the President of the United States not to enter into any legally binding commitments pursuant to the Berlin Mandate that could lead to the loss of jobs, income, or economic development in the United States without definite commitments by developing nations to participate in future global greenhouse emission reduction efforts.

RESOLVED FURTHER, That the Legislature of Alabama calls upon the President of the United States to renegotiate the Berlin Mandate or to take other appropriate steps to ensure that all nations have made equal commitments to reduce emissions of greenhouse gases, and to provide a timetable for emission reduction by Annex I parties consistent with the orderly retirement and replacement of existing capital stock and equipment.

RESOLVED FURTHER, That this body calls upon the United States Senate to reject any proposed protocol or other amendment to the Convention that is inconsistent with this resolution or that does not ensure that at least 75 percent of the signatory parties to the Convention, as measured by their 1995 populations, would be legally bound by the terms of an emission reduction program undertaken pursuant to the proposed protocol or other amendment.

RESOLVED FURTHER, That suitable copies of this resolution be forwarded to the President of the United States, the Majority Leader of the United States Senate, and the Alabama Senatorial delegation.

Approved September 3, 1997

Time: 4:34 P.M.

Act No. 97-797

S.J.R. 24 – Senator Ghee

SENATE JOINT RESOLUTION

URGING THE U. S. DEPARTMENT OF DEFENSE TO WORK COOPERATIVELY WITH THE FORT MCCLELLAN DEVELOPMENT COMMISSION.

WHEREAS, pursuant to Act 97-274, S. 639, 1997 Regular Session, the Fort McClellan Development Commission was created to determine the future use of Fort McClellan; and

WHEREAS, the 13-member commission has worked diligently, tirelessly, and without compensation, in developing a permanent long-term plan for the future use of the Fort McClellan facility; and

WHEREAS, in the spirit of cooperation, the commission has strived to work with the Department of Defense in developing a plan for the future use of the Fort McClellan facility; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the U. S. Department of Defense and Secretary of Defense, by copy of this resolution, to work in good faith and fairness with the Ft. McClellan Development Commission (Re-Use and Re-Development Commission) in resolving the future use of the Fort McClellan facility.

Approved September 3, 1997

Time: 4:35 P.M.

Act No. 97-798

S.J.R. 28 – Senator Freeman

SENATE JOINT RESOLUTION

DESIGNATING SEPTEMBER 1-7, 1997, AS UNION LABEL WEEK.

WHEREAS, a strong Alabama economy depends on stable and well-paying jobs; and

WHEREAS, buying union-made goods and services helps preserve American jobs and strengthens the economy; and

WHEREAS, products and services identified by a Union Label, Union Shop Card, Union Store Card, or Union Service Button are guaranteed to be the best quality American-made products and services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That September 1-7, 1997, is designated Union Label Week, in recognition and in honor of these distinguished emblems which signify commitment to quality and dignity in the American workplace.

Approved September 3, 1997

Time: 4:36 P.M.

Act No. 97-799

H.J.R. 42 – Rep. Page

HOUSE JOINT RESOLUTION

URGING THE UNITED STATES DEPARTMENT OF THE ARMY AND DEPARTMENT OF JUSTICE TO STUDY THE CAUSE OF THE GULF WAR SYNDROME.

WHEREAS, it has been six years since over 697,000 Americans were sent to the Persian Gulf to defend democracy in the Desert Storm conflict; and

WHEREAS, thousands of soldiers returned from that conflict suffering undiagnosed medical symptoms, including fatigue, fever, aches, rashes, and respiratory problems; and

WHEREAS, the cause of these ailments has not been identified causing thousands of veterans, who fought valiantly for their country, and their families to suffer physically, emotionally, and financially as a result of this illness which has come to be known as the Gulf War Syndrome; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the United States Department of the Army and Department of Justice to conduct a study of the possible causes for the symptoms of those servicemen and women suffering from the illness known as the Gulf War Syndrome, and that copies of this resolution be transmitted promptly to the President of the United States, the Secretary of the Army, the United States Attorney General, and to each member of the Alabama Congressional delegation.

Approved September 3, 1997

Time: 4:37 P.M.

Act No. 97-800

H.J.R. 72 – Rep. Holmes

HOUSE JOINT RESOLUTION

INVITING UNITED STATES SECRETARY OF LABOR ALEXIS HERMAN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, newly-appointed United States Secretary of Labor Alexis Herman, a distinguished Alabamian and a native of Mobile, has again brought great pride to the State of Alabama through her

exemplary leadership in the settlement of the walkout between the United States Parcel Service and the Teamsters Union; and

WHEREAS, Secretary Herman has brought to the Department of Labor a wealth of knowledge and expertise in the field of labor relations gained over a long career which began shortly following her graduation from Xavier University in 1969, and which has included numerous prestigious positions in the private and public sectors of the economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend an invitation to United States Secretary of Labor Alexis Herman to address a joint session of the Legislature at a time and date mutually convenient to Secretary Herman and the leadership of the Alabama House of Representatives and Senate, as determined by the sponsor of this resolution.

Approved September 3, 1997

Time: 4:38 P.M.

Act No. 97-801

H.J.R. 84 – Reps. Morrison, Millican, Page, Murphree, Papucci, Ford, Galliher, Morrow, Hawk, Parker (P), Burke, Guin, Hogan, Collins, Dukes

HOUSE JOINT RESOLUTION

DESIGNATING THE HIGH TOWN PATH.

WHEREAS, the High Town Path is the most famous east-west Indian trail and tribal boundary in the Southeastern United States, traversing the Continental Divide across North Alabama. The High Town Path passes through the North Alabama Counties of Cleburne, Calhoun, Cherokee, DeKalb, Etowah, Blount, Marshall, Cullman, Morgan, Lawrence, Winston, Marion, and Franklin prior to entering Mississippi. The High Town Path was officially designated by Governor Fob James as a state historic district through William B. Bankhead National Forest in Lawrence County, Alabama, on November 17, 1996; and

WHEREAS, the Indian trail completely crossed the Southeastern United States in an east-west direction from Charleston, South Carolina, to Memphis, Tennessee, and traveled primarily through Alabama along the dividing watersheds of the

Tennessee River to the north and the waters that drain into Mobile Bay to the south. Portions of the High Town Path became the tribal boundary of the Creeks to the south and the Cherokees and Chickasaws to the north; and

WHEREAS, the Indian trail was some 1000 miles in length with the Indian village of High Town (Rome, Georgia) located somewhat near the middle of the route; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the High Town Path in Alabama is hereby designated such, in recognition of the greatest known east-west Indian trail and tribal boundary in the Southeastern United States.

RESOLVED FURTHER, That the State of Alabama Department of Transportation and Alabama Historical Commission in conjunction with the leaders of the Echota Cherokee Tribe are authorized to erect signs in appropriate places within the counties of North Alabama where the path crosses state highways to recognize the greatest east-west Indian trail and tribal boundary of the Southeastern United States.

Approved September 3, 1997

Time: 4:39 P.M.

Act No. 97-802

H.J.R. 101 – Rep. Sanderson

HOUSE JOINT RESOLUTION

DESIGNATING OCTOBER 5-11, 1997, AS FIRE PREVENTION WEEK.

WHEREAS, smoke and poisonous gases serve as the leading cause of death in fires, reaching their victims well before a fire's flames; and

WHEREAS, advance escape planning is essential to escaping a fire safely; and

WHEREAS, an adequate escape plan includes knowing two ways out of every room, an outdoor location where everyone will meet upon exiting, and memorizing the fire department's telephone number; and

WHEREAS, fire drills should be practiced regularly, at least twice a year; and

WHEREAS, early warning signs of fire must be taken seriously, as a quick, decisive response during a fire emergency makes the difference between life and death; and

WHEREAS, this year's Fire Prevention Week theme, "Know When to Go: React Fast to Fire!" emphasizes the importance of escape planning at home and in public settings; and

WHEREAS, the firefighting community of Alabama is dedicated to preserving life and property from the devastating effects of fire; and

WHEREAS, the members of the firefighting community join with businesses, schools, service clubs and organizations, and other concerned citizens of the state in fire prevention and safety efforts; and

WHEREAS, local efforts of the firefighting community are supported by the activities of such organizations as the Alabama Fire Chiefs Association, the Alabama Fire College, the Alabama Firefighters Association, the Alabama Rural Community Fire Protection Institute, the Professional Firefighters Association of Alabama, and the Alabama Association of Volunteer Fire Departments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That October 5 through 11, 1997, is designated as Fire Prevention Week in Alabama.

Approved September 3, 1997

Time: 4:40 P.M.

Act No. 97-803

H.J.R. 102 – Rep. Turner

HOUSE JOINT RESOLUTION

URGING THE MOBILE COUNTY SCHOOL BOARD TO CONTINUE ITS BUILDING PROGRAM.

WHEREAS, this legislative body notes with approval the impressive building program undertaken by the Mobile County School Board and is highly cognizant of the positive and profound impact the program has had upon the students of Mobile County; and

WHEREAS, having completed the first phase of this important project, we feel it is imperative that the plan be completely implemented so that the children of Mobile County are afforded the best possible learning environment; and

WHEREAS, it is appropriate and proper for this body to endorse the implementation of phase II of the building program, as we are confident that the building plan will serve a vital role in ensuring that our school children are educated in surroundings which are safe and conducive to learning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend the Mobile County School Board for its very successful building program and urge the board to commence phase II of the program; further, we direct that a copy of this resolution be forwarded to the board so that it may know of our approval and interest.

Approved September 3, 1997

Time: 4:41 P.M.

Act No. 97-804

S. 61 – Senator Mitchell

AN ACT

Relating to Crenshaw County; amending Section 19 of Act 96-604, H. 835 of the 1996 Regular Session (Acts 1996, p. 947), relating to the distribution of certain taxes, to provide further for the direct distribution of the tax payable to the Crenshaw County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act 96-604, H. 835 of the 1996 Regular Session (Acts 1996, p. 947), is amended to read as follows:

“(a) The State Department of Revenue shall charge Crenshaw County for collecting the special county tax levied under this act an amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Crenshaw County Commission, but the charge shall not, in any event, exceed 10 percent of the total amount of the special county tax collected in county under this act. The charge for collecting the special tax may be deducted each month from the gross revenues from the special tax before certification of the amount of the proceeds due Crenshaw County for that month. The Commissioner of Revenue shall pay into the State Treasury all tax collected under this act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month, commencing with the month following the month in which the department makes the first collection hereunder, the commissioner shall certify to the State Comptroller the amount of tax collected under the provisions of this act and paid into the State Treasury for the benefit of

Crenshaw County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax collected and paid, the commissioner may deduct from the tax collected in the month the charge due to the department for the collection of the tax for the county. The comptroller shall issue warrants each month as provided by law. The commissioner shall then distribute the remaining balance as follows:

(1) Fifty percent of the net remaining proceeds shall be distributed to the Crenshaw County Commission for capital improvements and other capital outlay expenditures, road improvements, and the remediation of designated environmental issues.

(2) Fifty percent of the net remaining proceeds shall be distributed directly to the Crenshaw County Board of Education for capital improvement of the facilities, other capital outlay expenses, development of technology programs, and instructional support.

“(b) The sales and use tax levied by this act shall not be used to support any salary increases of the members of organizations benefiting from the proceeds of the tax.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 3, 1997

Time: 4:42 P.M.

Act No. 97-805

S. 77 – Senators Little and Dial

AN ACT

Relating to Lee County; to provide for the establishment of a consolidated and unified system for assessing and collecting taxes under the supervision of an elected county official designated as county revenue commissioner; to abolish the offices of tax assessor and tax collector; to establish a one-stop motor vehicle registration, assessment, and licensing system in the office of the county revenue commissioner to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the state and county; to provide for the collection of sale taxes on used motor vehicles sold by nondealers; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of a tax assessor, tax collector, license inspector, and judge of probate to the county revenue commissioner; and to provide that this act shall become operative upon referendum approval.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 2003, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Lee County. A commissioner shall be elected at the general election in 2002, and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October after his or her election, and until his or her successor is elected and has qualified.

Section 2. The county revenue commissioner shall perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records, and the making of reports concerning the assessment and collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his or her office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner. The compensation for any deputies, clerks, and assistants shall be fixed by the county commission and shall be paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Section 4. Before entering the duties of his or her office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama of 1901, and execute a bond in a sum as may be fixed by Section 40-5-3, Code of Alabama 1975, for tax collectors. The bond shall be conditioned as other official bonds are conditioned and shall be approved and filed with the judge of probate. The cost of the bond required shall be paid out of the general fund of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and his or her deputies, clerks, and assistants, and shall provide all stationery, equipment, and office supplies needed for the efficient performance of the duties of the office and not otherwise furnished by law by the Department of Revenue, the Department of Finance, or the State Comptroller.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions, and other allowances which the tax assessor or tax collector of the county is authorized and directed to charge or

collect for the performance of any duty imposed on the county revenue commissioner. As compensation for the performance of the duties of his or her office, the county revenue commissioner shall receive an annual salary as determined by the county commission, payable in equal monthly installments out of the general fund of the county.

Section 7. (a) The offices of tax assessor and tax collector are abolished effective the first day of October 2003, or upon the occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1, 2003, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform the duties until a county revenue commissioner has been elected as provided by this act.

(b) All personnel employed in the office of tax assessor or tax collector at the time the office of county revenue commissioner comes into being shall be absorbed into the staff of the office of county revenue commissioner. Any position held by one of these employees may not be eliminated until the employee either retires or the position otherwise becomes vacant.

Section 8. (a) Upon the commencement of the office of county revenue commissioner, there shall be a one-stop motor vehicle registration, assessment, and licensing system under the jurisdiction, direction, and supervision of the county revenue commissioner.

(b) The duties and responsibilities of the county revenue commissioner relating to the assessment, licensing, and registration of motor vehicles shall include the administration and enforcement of motor vehicle title registration, processing, and transfer; motor vehicle ad valorem tax assessment and collection; motor vehicle license and license tag issuance; collection of any fees or monies due and remitting the proper amounts due to the state and to the county; enforcement of laws relating to these functions; and the collection of penalties and assessments imposed for violations of laws relating to these functions. The county revenue commissioner shall be responsible for all local motor vehicle license issuance and taxation duties and responsibilities pertaining to Lee County by law, including without limitation: Title 40, Chapter 12, Article 5 of the Code of Alabama 1975; Title 32, Chapter 6, Article 2 of the Code of Alabama 1975; Title 32, Chapter 8 of the Code of Alabama 1975; and Title 40, Chapter 23, Article 3 of the Code of Alabama 1975; as the laws may be amended and superseded from time to time.

(c) The county revenue commissioner may mail-order process the renewal, issuance, and distribution of license tags and may collect a mail fee charge in an amount which the county commission shall determine from time to time to be appropriate in order to cover the overhead and expenses of mail renewal, issuance, and distribution. The mail order procedure authorized by this subsection for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedures now provided by law. Any owner of a motor vehicle shall continue to have the right to pay taxes and to receive the tag in person without the payment of the additional fee for mail processing.

(d) All duties required by law of the license inspector and judge of probate, with reference to the licensing, assessment, and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles, shall be performed and exercised by the county revenue commissioner and the license inspector and the judge of probate are relieved of all duties and responsibilities in connection with the licensing, assessment, and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles. The Department of Revenue shall furnish the county revenue commissioner with all forms and materials necessary for the licensing, assessment, and collection of the taxes.

(e) The county revenue commissioner shall collect the same fees, charges, penalties, and commissions fixed by law to be paid to a license inspector, tax assessor, tax collector, or judge of probate for the licensing, assessment, and collection of state and county ad valorem taxes on motor vehicles. The fees, charges, penalties, and commissions collected by the county revenue commissioner shall be paid into the general fund of the county.

Section 9. The provisions of this act shall become operative in Lee County, only if approved by a majority of the qualified electors of the county who vote in a referendum election to be held at the general election in 2000. Notice of the election shall be given by the judge of probate, which notice shall be published once a week for three successive weeks before the day of the election, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election may be held pursuant to the provisions of this act at which time the question shall be submitted substantially as follows:

“Shall the Offices of Tax Assessor and Tax Collector of Lee County be abolished and the duties of these officers be consolidated into one office to be known as the County Revenue Commissioner? Yes _____ No _____.”

If a majority of the votes cast at the election are "Yes" votes, this act shall become effective as provided. If a majority of the votes cast at the election are "No" votes, this act shall have no further effect.

The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. The judge of probate shall certify the results of the election to the Secretary of State.

Section 10. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 3, 1997

Time: 4:43 P.M.

Act No. 97-806

S. 110 – Senator Clay

AN ACT

Relating to Lee County; authorizing referendum elections to determine whether alcoholic beverages may be sold or dispensed on Sunday within Lee County or any wet municipality in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Lee County.

Section 2. (a) The voters of Lee County or any wet municipality in Lee County may authorize the sale of alcoholic beverages within the county or municipality on Sunday by an election pursuant to this act, in the following manner:

(1) The judge of probate of the county shall call an election for the county to determine the sentiment of the voters of the county as to whether or not alcoholic beverages can be legally sold or distributed on Sunday in the wet county, upon there being filed with the judge of probate, a petition of 10 percent of the number of voters voting in the last preceding general election.

(2) The governing body of any wet municipality shall call an election for the municipality to determine the sentiment of the voters of the municipality residing within its corporate limits, as to whether or not alcoholic beverages can be legally sold or distributed on Sunday in the wet municipality, upon there being filed with the city or town clerk or governing body of the municipality, the petition of 10 percent of the number of voters voting in the last preceding general election.

(b) Any petition for a Sunday sales election shall contain the following: "It is petitioned that a countywide, (or municipal) election

shall be held to permit the legal sale and distribution of alcoholic beverages within this county (or municipality) on Sunday after 12 o'clock noon" On the ballot to be used for such county or municipal election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this county (or municipality) on Sunday after 12 o'clock noon? Yes _____, N _____."

(c) In the case of a county election, the election shall be held and the officers appointed to hold the election in the manner provided by law for holding other county elections, and the returns thereof tabulated and results certified as provided by law for county elections. In the case of a municipal election, the election shall be held and the officers appointed to hold the election in the manner provided by law for holding other municipal elections, and the returns thereof tabulated and results certified as provided by law for municipal elections. Any Sunday sales election shall be held as provided in this act or at the same time of the primary, general, countywide, or municipal election next succeeding the date of filing the petition, or the resolution or ordinance, except that an election shall not be held less than 30 days nor more than 45 days from the date of the filing of the petition except as provided herein.

(d) Notice of the election shall be given: (i) for a county election, by the judge of probate by publication or by posting the notice at the courthouse apprising the voters of the county, at least three weeks before the date of the election, that an election shall be held to determine whether alcoholic beverages may be sold in the wet county on Sunday; or (ii) for a municipal election by the governing body of the municipality by publication or by posting the notice at the town or city hall apprising the voters of the municipality, at least three weeks before the date of the election, that an election shall be held to determine whether alcoholic beverages may be sold in the wet municipality on Sunday. The cost of the election shall be paid out of the general fund of the county if a county election, or out of the general fund of the municipality if a municipal election.

(e) Only qualified voters may vote in the election. If a majority of the voters of the county voting in the county election vote "Yes," alcoholic beverages can be legally sold, distributed, and consumed within the county on Sunday after the hour of 12 o'clock noon; and if a majority of the voters residing in the corporate limits of the municipality vote "Yes" in the municipal election, alcoholic beverages can be legally sold or dispensed within the corporate limits of the municipality on Sunday after the hour of 12 o'clock noon, until the county or municipality changes its status from wet to dry.

(f) If a majority of the voters voting in the county election vote "No," alcoholic beverages may not be sold or dispensed in the

county (except in municipalities which have voted "Yes" in a municipal election) on Sunday after the hour of 2 o'clock a.m., except as otherwise authorized by law or by a subsequent election which legalizes the sale and dispensing of alcoholic beverages on Sunday. If a majority of the voters voting in the municipal election vote "No," alcoholic beverages may not be sold or dispensed in the municipality on Sunday after the hour of 2 o'clock a.m., except as otherwise authorized by law or by a subsequent election which legalizes the sale and dispensing of alcoholic beverages on Sunday.

(g) Any elections in the county or municipality shall be held not less than 30 nor more than 45 days from the date of filing of the petition, and where possible the date may be extended by the judge of probate for a countywide election or the municipal governing body for a municipal election for not more than 45 additional days to permit the election to be held at the time of the primary, general, countywide, or if a municipal election, at the time of the primary, general, countywide, or municipal election. A period of not less than 360 days shall elapse between the dates of elections pursuant to this act. A countywide Sunday sales election and a municipal Sunday sales election may be held at the same time, and either, or both, may be held at the time of a countywide wet/dry election, and a municipal Sunday sales election may be held at the same time as a municipal option election.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 3, 1997

Time: 4:44 P.M.

Act No. 97-807

S. 115 – Senator Ghee

AN ACT

Relating to the City of Anniston, Calhoun County, to amend further Section 5 of Act 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act 93-552, 1993 Regular Session (Acts 1993, p. 907), to provide for the employment of investment counselors and agents to invest and manage portions of the policemen's and firemen's retirement fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act 79-157, 1979 Regular Session, as amended, is amended further to read as follows:

"Section 5. The board shall be the trustee of the fund and shall have exclusive management and control of the fund. It may adopt and enforce necessary rules and regulations to carry out the purposes of this act and enable it to properly manage and administer the fund, including employing investment counselors and agents to invest and manage portions of the fund as the board may direct. When the actuary certifies that the necessary funds are available, the board may increase the benefits provided in Sections 12 and 13 by passing a resolution which declares that the monthly benefit paid to each retiree, surviving spouse, or other beneficiary of the retiree shall be increased by a certain amount of money as determined by the actuary and multiplied by the number of years of active service credited to the retiree on the date of retirement.

"The board shall hear and decide all applications for pensions and benefits under this act and its decisions shall be final except as hereinafter provided. The board shall meet upon the call of the chair, but in no event, less than once in each calendar quarter. The chair shall call a meeting of the board within 10 days after the receipt of a claim or complaint.

"The board may employ the services of an actuary to advise the board on all actuarial matters pertaining to the fund. The actuary shall possess the following as minimum qualifications:

"(a) He or she shall be an enrolled actuary under the provisions of the Employee Retirement Income Society Act of 1974.

"(b) The actuary shall be a Fellow of the Society of Actuaries or employed by an actuarial firm which employs a Fellow of the Society of Actuaries.

"In addition to all other duties which he or she may be called upon to perform, the actuary shall periodically advise the board, in writing, as to the amount, if any, by which the benefits allowed by Sections 12 and 13 may be increased without affecting the actuarial soundness of the fund. The actuary's opinion of the increases shall be binding and the board shall forthwith increase benefits in accordance with this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 3, 1997

Time: 4:45 P.M.

Act No. 97-808

S. 106 – Senator Roberts

AN ACT

Relating to Lawrence County; providing for an addition to the salary of the revenue commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the term of the revenue commissioner, the revenue commissioner shall receive an addition to his or her salary of three hundred fifty dollars (\$350) per month, payable in equal monthly installments from the general fund of the county. This salary shall be in addition to all other expense allowances, compensation, or salary provided by law. This additional salary shall be for the additional duties and responsibilities imposed upon the revenue commissioner by House Bill 813 of the 1985 Regular Session.

Section 2. If at any time the duties of House Bill 813 of the 1985 Regular Session are moved to another office, this bill will become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved September 3, 1997

Time: 4:46 P.M.

Act No. 97-809

H. 134 – Rep. Reed

AN ACT

To propose an amendment to Amendment No. 431 to the Constitution of Alabama of 1901, to allow the Bullock County Development Authority to expend the proceeds from certain taxes for the maintenance of a county jail and other county buildings and for law enforcement purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Amendment No. 431

MEMBERSHIP AND POWERS OF BULLOCK
COUNTY DEVELOPMENT AUTHORITY.

“As used in this amendment, “the authority” means the Bullock county development authority authorized and established pursuant to

Amendment 128 to this Constitution; "board" means the governing body of the authority; "member" means a member of the board; "commission" means the Bullock county commission; "jail and county buildings" means the Bullock county jail or other facility for holding prisoners and shall include any building owned and constructed by the county or a building authority and occupied by the county, or a state or federal government agency or entity; "building authority" means the entity established or to be established to finance and construct a jail and county buildings; and "industrial tax" means the tax authorized and imposed under the authority of Amendment 128 of this Constitution.

"The authority is hereby granted continuing and permanent status. The membership of the authority is hereby fixed at seven (7). Each member shall serve a term of six (6) years and shall not serve more than two consecutive terms; provided however, that a member shall continue to serve until a successor is appointed. When a vacancy occurs or upon expiration of a term of a member, the remaining members shall nominate three reputable citizens interested in county development and present their names to the commission which by majority vote shall appoint one of the nominees to the board. If the commission fails to appoint one of the original nominees, the remaining members shall nominate three additional citizens in accordance with the aforementioned procedure. If the commission fails to appoint one of the six nominees, then the remaining members shall continue to submit nominees according to the aforementioned procedure until the commission appoints a member.

"All expenditures, bids and contracts respecting the industrial tax, except those made by the building authority, shall be in the name and under the control of the authority; provided, however, except as provided in the third sentence of this paragraph, no industrial tax funds shall hereafter be expended without the approval of the commission. The authority may borrow money and expend funds for educational and health purposes and to enhance or develop other resources for the purpose of attracting industry to Bullock county. The authority may expend or appropriate or pledge or contract to pay over to the building authority not more than one-half of the industrial tax revenues, subject to all prior commitments thereof for debt service, debt retirement or other debt repayment, for the purpose of constructing, financing or maintaining a jail or county buildings, or to assist the building authority in doing so, or for educational purposes, provided that such expenditures shall not impair the debts of the authority, and the industrial tax shall not be pledged to secure debts incurred for construction or maintenance or any other purposes except those provided for in this amendment or in Amendment 128 to this Constitution.

"The rentals and obligations of the county under any lease entered into by the county with the building authority shall not be

charged against the county's constitutional debt limit, regardless of the duration of the lease.

"Act No. 81-838 of the 1981 Regular Session is hereby validated and declared to be fully effective according to its scope and tenor. The tax authorized by said act or by Act No. 81-1028 of the 1981 Second Special Session and any other tax for a jail or county buildings authorized by any act of the legislature in the 1981 or 1982 regular or special sessions shall not exceed one-half of one percent.

"The tax authorized and permitted by sections 40-12-4 through 40-12-8 of the Code of Alabama 1975 for educational purposes is hereby fixed at one-half of one percent in Bullock county. Provided, however, the commission may levy an additional one-half of one percent tax provided by the aforementioned code section if the county board of education revenues fall below 1980-81 levels from all sources including funding provided by the authority. The industrial tax is hereby declared to parallel the state sales and use taxes and such tax shall be collected by the Alabama department of revenue.

"Upon the full payment of bonds or warrants originally issued to finance the construction of the Bullock County Jail, any funds received pursuant to the taxes authorized to be levied pursuant to this amendment shall be expended for the maintenance of the county jail and the maintenance of other county buildings and for general law enforcement purposes."

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to Bullock County, proposing an amendment to the Constitution of Alabama of 1901, to allow the Bullock County Development Authority to expend the proceeds from certain taxes for the maintenance of a county jail and other county buildings and for law enforcement purposes.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the House August 27, 1997

Passed the Senate September 3, 1997

Act No. 97-810

H. 130 – Rep. Burke

AN ACT

Relating to DeKalb County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the DeKalb County Commission to levy a three mill ad valorem tax outside the City of Fort Payne for fire protection.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

(a) In addition to all other ad valorem taxes levied, the DeKalb County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1998, an ad valorem tax on all taxable property located in DeKalb County, excluding taxable property located within the city limits of Fort Payne, at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the DeKalb County Association of Fire Departments, Incorporated. The county association shall divide quarterly the funds into equal shares. One share shall be distributed among all eligible volunteer fire departments, collectively, one share shall be distributed to the Alabama Forestry Commission, and two shares shall be distributed to the DeKalb County Association of Fire Departments. Of the two shares distributed to the county association, one share may be used for administrative duties, the other share may be used for fire protection in those areas not covered by a fire department, excluding the City of Fort Payne. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in DeKalb County that is certified under the guidelines of the Alabama Forestry Commission, has at least an ISO class 9 rating, and is a member in good standing of the DeKalb County Association, Incorporated. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each

year, each eligible volunteer fire department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in DeKalb County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission.

Section 2. An election upon the proposed amendment shall be held in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Relating to DeKalb County, proposing an amendment to the Constitution of Alabama of 1901, to authorize the DeKalb County Commission to levy a three mill ad valorem tax outside the City of Fort Payne for fire protection.

Proposed by Act _____"

This description shall be followed by the following language:

"Yes () No ()."

CONSTITUTIONAL AMENDMENT

Passed the House August 26, 1997

Passed the Senate September 3, 1997

Act No. 97-811

S. 50 – Senators Mitchem, Smitherman, McClain, Dial, Clay, Armistead, Denton, Roberts, Mitchell, Steele, Adams, Langford, Biddle, Poole, Myers, Butler, Windom, Bailey, Ghee, Dixon, Lindsey, Davidson, Figures, Hale, Waggoner, Barron, Escott-Russell, Bedford, Freeman, Amari, and Little

AN ACT

To provide that the Department of Revenue shall implement a reappraisal of property in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to Division 1, commencing with Section 40-7-60, of Article 2 of Chapter 7 of Title 40, Code of Alabama 1975, the Alabama Department of Revenue shall immediately initiate the implementation of a program of reappraisal of all taxable property in Marshall County.

Section 2. Prior to the completion of the reappraisal provided in Section 1, the valuations of taxable property in Marshall County for the current taxable year shall be the same as the valuations for the 1995 taxable year.

Section 3. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 4, 1997

Time: 2:45 P.M.

Act No. 97-812

H. 75 – Reps. Fuller, Curry

AN ACT

To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of one hundred six thousand two hundred fifty dollars (\$106,250) to the Central Alabama

Opportunities Industrialization Center from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 4, 1997

Time: 2:46 P.M.

Act No. 97-813

H. 82 – Reps. Reed, Fuller, Curry, Boyd

AN ACT

To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of three million nine hundred sixty-eight thousand two hundred fifty dollars (\$3,968,250) to Tuskegee University from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations for fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 4, 1997

Time: 2:47 P.M.

Act No. 97-814

H. 84 – Reps. Kennedy, Boyd

AN ACT

To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of four hundred seventeen thousand five hundred forty dollars (\$417,540) to Talladega College from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations for fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 4, 1997

Time: 2:48 P.M.

Act No. 97-815

H. 126 – Reps. Turnham, Curry, Carothers

AN ACT

To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of four hundred forty-one

thousand nine hundred twelve dollars (\$441,912) to Marion Military Institute from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations for fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 4, 1997

Time: 2:49 P.M.

Act No. 97-816

H. 127 – Reps. Turnham, Curry,
Carothers

AN ACT

To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of two hundred six thousand two hundred twenty-five dollars (\$206,225) to Lyman Ward Military Academy from the Education Trust Fund for the support and maintenance of said institution. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 4, 1997

Time: 2:50 P.M.

Act No. 97-817

H. 122 – Reps. Carothers, Turnham

AN ACT

To make an appropriation of \$403,804 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$403,804 to Camp ASCCA in Jackson Gap, Alabama, from the Education Trust Fund for support and maintenance of said program.

In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 4, 1997

Time: 2:51 P.M.

Act No. 97-818

S.J.R. 14 – Senator Freeman

SENATE JOINT RESOLUTION

CREATING THE CHILDREN'S HEALTH INSURANCE PROGRAM COMMISSION.

WHEREAS, a total of nearly \$400 million in federal funds has been allocated over five years to Alabama for health care coverage

of low-income, uninsured children, \$85.6 million alone for the 1998 fiscal year; and

WHEREAS, the program requires state matching money at a rate of 21.476 percent; and

WHEREAS, funds may be used to expand Medicaid eligibility for children or to purchase health coverage, or both, for children not currently covered by Medicaid; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Children's Health Insurance Program Commission. The commission shall consist of the following persons:

(1) The State Health Officer of the Department of Public Health, who shall serve as chair of the commission.

(2) The State Superintendent of Education.

(3) The State Medicaid Commissioner.

(4) A representative of the Children's Trust Fund.

(5) A representative of the Children's First Foundation.

(6) The Lieutenant Governor, or a designee.

(7) The Speaker of the House of Representatives, or a designee.

(8) The President Pro Tem of the Senate.

(9) The Speaker Pro Tem of the House of Representatives.

(10) The Chair of the Senate Finance and Taxation Education Committee.

(11) The Chair of the House Ways and Means Committee.

The commission shall study the Children's Health Insurance Program to determine how Alabama can best provide for meeting the medical needs of children from low-income households who are not otherwise eligible for Medicaid. The commission shall focus on such specific issues affecting these children as:

(1) Expanded Medicaid eligibility.

(2) State purchase of insurance coverage.

(3) Services and limitations to be included in the plan.

(4) Qualifications for eligibility, including income thresholds.

(5) The timing of implementing a program.

(6) The impact of federal regulations.

(7) Administration of the program.

(8) Sources of funding for the state's share of matching money.

This resolution hereby authorizes the Alabama Department of Public Health to submit the plan for children's health insurance to the Department of Health and Human Services.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House may provide the clerical assistance necessary for the commission's work. The commission shall report its findings, conclusions, and recommendations to the Legislature not later than the third legislative day of the 1998 Regular Session, whereupon, the commission shall stand dissolved and discharged of any further duties and liabilities. Each legislative member of the commission shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the commission which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the Commission. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

Commission expenses shall not exceed \$20,000.

This Act became a law under Section 125 of the Constitution on September 5, 1997 without approval by the Governor.

Act No. 97 819

H.J.R. 54 – Rep. Ford

HOUSE JOINT RESOLUTION

DESIGNATING THE NORTHEAST ALABAMA INDUSTRIAL ACCESS HIGHWAY PROJECTS.

WHEREAS, highways are the lifeline of the State of Alabama for travel and commerce, therefore, there is always the need to maintain, update, or expand our highways to keep pace with increasing traffic needs; and

WHEREAS, industry follows highway development and improvement, bringing new and expanded businesses necessary for the creation of new jobs, which in turn, generate new revenue for the state and for education; and

WHEREAS, there exists the need to improve East-West Highway Routes in the state by four-laneing some existing highways and by the construction of additional highways; and

WHEREAS, the Department of Transportation is to be commended for identifying some of these needs and assigning names and project numbers to these plans; and

WHEREAS, U.S. Highway 278 has been assigned project numbers ST-552-4, ST-552-19, ST-552-5, ST-552-6, ST-552-8, ST-552-9, ST-552-10, ST-552-18, ST-623-8, ST-623-9, and ST-623-12; and

WHEREAS, some engineering work has been done on some of these projects, with some right-of-way already having been acquired; and

WHEREAS, the four-laneing of U.S. 278 will greatly enhance the probability of securing new and expanded industry in the state and particularly in Northern Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That these projects are designated as the Northeast Alabama Industrial Access Highway Projects.

RESOLVED FURTHER, That the proper authorities upon completion may place and maintain appropriate signs and markers designating these projects as provided herein.

Approved September 5, 1997

Time: 8:05 A.M.

Act No. 97-820

H.J.R. 65 – Reps. Boyd, Rogers (M), Willis

HOUSE JOINT RESOLUTION

URGING THE U. S. DEPARTMENT OF DEFENSE TO WORK COOPERATIVELY WITH THE FORT MCCLELLAN DEVELOPMENT COMMISSION.

WHEREAS, pursuant to Act 97-274, S. 639, 1997 Regular Session, the Fort McClellan Development Commission was created to determine the future use of Fort McClellan; and

WHEREAS, the 13-member commission has worked diligently, tirelessly, and without compensation, in developing a permanent long-term plan for the future use of the Fort McClellan facility; and

WHEREAS, in the spirit of cooperation, the commission has strived to work with the Department of Defense in developing a plan for the future use of the Fort McClellan facility; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the U. S. Department of Defense and Secretary of Defense, by copy of this resolution, to work in good faith and fairness with the Fort McClellan Development Commission (Re-Use and Re-Development Commission) in resolving the future use of the Fort McClellan facility.

Approved September 5, 1997

Time: 8:09 P.M.

Act No. 97-821

H.J.R. 83 – Rep. Ford

HOUSE JOINT RESOLUTION

COMMENDING THE TEAMSTERS UNION ON SETTLING THEIR STRIKE WITH UNITED PARCEL SERVICE.

WHEREAS, on August 18, 1997, the U.S. Teamsters Union reached a settlement in their labor dispute with United Parcel Service, thus ending the 15-day strike; and

WHEREAS, the union leadership team, headed by Teamster President Ron Carey, diligently worked to resolve serious issues affecting the rank and file members of UPS, and is to be commended for participating in virtually 80 hours of nonstop meetings with UPS officials, Labor Secretary Alexis Herman, and others; and

WHEREAS, the settlement of the impasse means that the roughly 200,000 union members of UPS represented by the Teamsters may soon resume their jobs of delivering the 12 million parcels normally handled on a daily basis, a service which is critical to the commerce of our nation; and

WHEREAS, despite persistent calls from business groups upon President Clinton to end the walkout, the White House refused to intervene, forcing the parties to come to an agreement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Teamsters Union and President Ron Carey for bringing about a settlement of its dispute with United Parcel Service.

RESOLVED FURTHER, That a copy of this resolution be provided to Teamster President Ron Carey and Alabama AFL-CIO President Billy Tindle as an expression of our gratitude.

Approved September 5, 1997

Time: 8:06 A.M.

Act No. 97-822

H.J.R. 88 – Rep. Hammett

HOUSE JOINT RESOLUTION

DESIGNATING REPUBLIC OF CHINA DAY ON OCTOBER 10, 1997.

WHEREAS, the Republic of China on Taiwan will be observing its 86th Anniversary on October 10, 1997; and

WHEREAS, the Republic of China has distinguished itself with its dynamic progress in the industrialization of its economy; and

WHEREAS, the Republic of China's 21 million people enjoy a prosperous and free society; and

WHEREAS, the Republic of China and the United States of America are friends and allies of long-standing; and

WHEREAS, it is appropriate and heartfelt that we recognize this special anniversary of our friends in the Republic of China; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate Republic of China Day on October 10, 1997, and urge all citizens to join in extending best wishes to the Republic of China on Taiwan during this celebration of its peoples' courage, its strength of conviction to achieve peace, and for its further contributions to and broader participation in the international community, and do further direct that a copy of this resolution of prestigious honor be presented for appropriate display with best wishes for continued success.

Approved September 5, 1997

Time: 8:07 A.M.

Act No. 97-823

H.J.R. 109 – Rep. Thomas (D)

HOUSE JOINT RESOLUTION

COMMENDING JEFFREY WALTER STEWART ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Jeffrey Walter Stewart of Argo, Alabama, who is a member of Boy Scout Troop 134, Springville, Alabama, has

successfully completed the requirements for the prestigious rank of Eagle Scout, scouting's highest honor, and will be recognized by a Court of Honor Ceremony at Corinth Baptist Church in Argo, Alabama, on August 10, 1997; and

WHEREAS, the son of proud parents, Diane and Larry Stewart and grandson of Betty and Jim Sinclair and Marion Stewart, Jeffrey is an active member of the Argo Volunteer Fire and Rescue Department and hopes to pursue a career in the United States Army; and

WHEREAS, he earned this coveted rank through countless hours of hard work by earning numerous merit badges and honors including both the Brotherhood and Dance Team Order of the Arrow, among others; and

WHEREAS, a senior at Springville High School, Jeffrey Walter Stewart, in whom we take great pride, has indeed developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Jeffrey is congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding attainment in qualifying for this high honor.

BE IT FURTHER RESOLVED, That he receive a copy of this resolution of highest commendation, tribute, and esteem.

Approved September 5, 1997

Time: 8:08 A.M.

Act No. 97-824

H.J.R. 107 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING SHERIFF LARRY PLOTT OF FRANKLIN COUNTY AND THE MEMBERS OF HIS DEPARTMENT.

WHEREAS, it is with a sense of great pride that the Alabama Legislature notes the recent accomplishments of Franklin County Sheriff Larry Plott and the entire staff of his department; and

WHEREAS, the Franklin County Sheriff's Department, along with the Federal Bureau of Investigation and additional sheriff's departments from other counties, was instrumental in capturing

three suspects in the heinous crimes of the Belmont Bank robbery and the Pugh murders; and

WHEREAS, working on information provided by one of the suspects, the members of the Franklin County Sheriff's Department untiringly pursued the suspects until all of them were safely in custody;

WHEREAS, the three men who had been arrested attempted to elude law enforcement officers by hiding at various residences within Franklin County, but employees of the department were able to successfully flush the suspects out of hiding; and

WHEREAS, at one of the residences where one of the suspects was concealed, officers put their lives on the line due to numerous weapons that were stashed away with the suspect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate Franklin County Sheriff Larry Plott and the members of the department on their recent performance in the capture and arrest of suspects in two of the worst crimes in history.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided Sheriff Plott and the members of his department that they may know of our deep appreciation and highest personal regard.

Approved September 5, 1997

Time: 8:10 A.M.

Act No. 97-825

H.J.R. 110 – Rep. Box

HOUSE JOINT RESOLUTION

HONORING MRS. GERTRUDE MARTHA OERTEL HAFNER
ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, Mrs. Gertrude Martha Oertel Hafner of Mobile, Alabama, will mark a milestone in her life on September 19, 1997, with the celebration of her 100th birthday and, on this momentous occasion, we join in honoring this special lady; and

WHEREAS, Mrs. Hafner was born September 19, 1897, the daughter of a Lutheran pastor and missionary, and was married for fifty-four years to the late Reverend Walter H. Hafner, who served as a faithful shepherd and pastor of Grace Lutheran Church for over 37 years; and

WHEREAS, through the years, as a devoted wife and help-mate, and a dedicated and faithful servant of her Lord, Mrs. Hafner lovingly served Grace Lutheran, caring for the church altar, greeting visitors at worship services, and joining her husband in visiting the sick and making mission calls; she also served as receptionist and secretary for her husband, as well as a witness to many marriage ceremonies held in the church parsonage; and

WHEREAS, a member of Grace Lutheran since August 1924, and a cherished member of the congregation, Mrs. Hafner continues to be interested in everything that goes on at Grace Lutheran, and to amaze and delight everyone with her alertness, positive attitude, devotion to her fellow man, and her ever-present warm and friendly smile; and

WHEREAS, Mrs. Hafner is truly a remarkable lady, who is an inspiration and blessing to all those whose lives she has touched, and her long and fruitful life is indeed an inspiration and encouragement to all; and

WHEREAS, birthdays, of course, are special events in a person's life, and we are indeed grateful that Mrs. Hafner, a gentle, gracious lady, has been blessed with such a great number of them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in celebration of the 100th birthday of Mrs. Gertrude Martha Oertel Hafner of Mobile, Alabama, and direct that she receive a copy of this resolution as an expression of our sincere regard and best wishes for continuing good health and happiness in the years to come.

Approved September 5, 1997

Time: 8:11 A.M.

Act No. 97-826

H.J.R. 111 – Reps. Haney, Ford, Allen,
Sanderford, Petelos

HOUSE JOINT RESOLUTION

COMMENDING THE UNITED PARCEL SERVICE ON SETTLING ITS STRIKE WITH THE TEAMSTERS UNION.

WHEREAS, on August 18, 1997, the United Parcel Service reached a settlement in its labor dispute with the U.S. Teamsters Union, thus ending the 15-day strike; and

WHEREAS, the management leadership team diligently worked to resolve serious issues affecting the rank and file members of UPS, and is to be commended for participating in virtually 80 hours of nonstop meetings with Teamster Union officials, Labor Secretary Alexis Herman, and others; and

WHEREAS, the settlement of the impasse means that the United Parcel Service may resume delivery of the 12 million parcels normally handled on a daily basis, a service which is critical to the commerce of our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the United Parcel Service management team for bringing about a settlement of its dispute with U.S. Teamsters Union.

Approved September 5, 1997

Time: 8:12 A.M.

Act No. 97-827

H.J.R. 112 – Reps. Allen, Melton,
Parker (T), Hayden,
Guin, Layson,
Kennedy

HOUSE JOINT RESOLUTION

DESIGNATING THE NEW CAMPUS AT SHELTON STATE COMMUNITY COLLEGE THE DR. HAROLD C. AND EVELYN MARTIN CAMPUS.

WHEREAS, Dr. Harold C. Martin and his wife of 57 years, Evelyn Martin, have been extensively involved with education in Alabama; and

WHEREAS, Dr. Martin was a long-time member of the State Board of Education, where he sponsored the development of a fully funded kindergarten program, a minimum ACT score for students of 16, and English proficiency test for teacher candidates, and in-field teaching requirements; and

WHEREAS, Evelyn Martin taught in Alabama public schools for some 38 years, mostly second grade, and was a member of AEA and NEA; she taught in several Alabama counties due to Dr. Martin's many assignments with the North Alabama Conference of the United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of their lifetimes of service to the causes of education in Alabama, hereby designate the new campus at Shelton State Community College as the Dr. Harold C. and Evelyn Martin Campus; and as a token of our esteem, we direct that a copy of this resolution be provided to Dr. Harold C. Martin and Evelyn Martin.

Approved September 5, 1997

Time: 8:13 A.M.

Act No. 97-828

H.J.R. 116 – Rep. Thomas (D)

HOUSE JOINT RESOLUTION

COMMENDING JIM AND JANET ADAMS ON THEIR OUTSTANDING CIVIC CONTRIBUTIONS TO ST. CLAIR COUNTY.

WHEREAS, it is with gratitude and appreciation that Jim and Janet Adams are commended for their volunteer efforts in promoting business and social activities in St. Clair County; and

WHEREAS, beginning in June 1992, Jim and Janet Adams aired the first cable television station in the history of St. Clair County promoting family values and community pride on Channel 12; and

WHEREAS, a working couple of vision who always had the best interest of St. Clair County in mind, Mr. and Mrs. Adams also have been instrumental in the growth and progress of the annual Toys for Tots Telethon, raising over \$6,000 annually to provide Christmas gifts for more than 400 children; and

WHEREAS, dedicating the television shows to the elderly and shut-ins, it is most appropriate to commend citizens whose gentle kindness and concern for others have made our communities and state a better place for all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Jim and Janet Adams, whom we hold in highest personal regard, are most highly commended for the magnitude of their civic and community service for St. Clair County, and it is further directed that a copy of this resolution be presented to them as a symbol of our appreciation and admiration.

Approved September 5, 1997

Time: 8:14 A.M.

Act No. 97-829

H.J.R. 117 – Rep. Hall (L)

HOUSE JOINT RESOLUTION

COMMENDING THE GREATER HUNTSVILLE CHAPTER-ELECT OF THE LINKS, INCORPORATED, ON ITS FIRST CHARTER.

WHEREAS, it is with inordinate pride and pleasure that the House of Representatives and Senate recognizes the charter of The Links, Incorporated, in the Greater Huntsville Chapter-Elect; and

WHEREAS, The Links, an organization of women with over 268 chapters in 40 states, including Washington, D.C., the Bahamas, and Frankfurt, Germany, was founded by the late Mrs. Sarah Strickland Scott and the late Mrs. Margaret Roselle Hawkins; and

WHEREAS, with a membership of over 10,000 women, the organization has provided countless educational activities for talented youth, as well as programs to support the family; and

WHEREAS, chartered in the Greater Huntsville-Madison County area for the first time in history on September 20, 1997, these women of The Links have worked with tireless devotion and established an unparalleled record of leadership and involvement; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding and selfless service to our state, highest commendation is hereby bestowed upon the The Links in the Greater Huntsville Chapter-Elect, for whom a copy of this resolution shall be provided.

Approved September 5, 1997

Time: 8:15 A.M.

Act No. 97-830

H.J.R. 103 – Rep. Fuller

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, August 28, 1997, they adjourn to meet again on Tuesday, September 2, 1997.

Approved September 5, 1997

Time: 8:16 A.M.

Act No. 97-831

S.J.R. 37 – Senator Steele

SENATE JOINT RESOLUTION

DESIGNATING THE NEW CAMPUS AT SHELTON STATE COMMUNITY COLLEGE THE DR. HAROLD C. AND EVELYN MARTIN CAMPUS.

WHEREAS, Dr. Harold C. Martin and his wife of 57 years, Evelyn Martin, have been extensively involved with education in Alabama; and

WHEREAS, Dr. Martin was a long-time member of the State Board of Education, where he sponsored the development of a fully funded kindergarten program, a minimum ACT score for students of 16, and English proficiency test for teacher candidates, and in-field teaching requirements; and

WHEREAS, Evelyn Martin taught in Alabama public schools for some 38 years, mostly second grade, and was a member of AEA and NEA; she taught in several Alabama counties due to Dr. Martin's many assignments with the North Alabama Conference of the United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their lifetimes of service to the causes of education in Alabama, we hereby designate the new campus at Shelton State Community College as the Dr. Harold C. and Evelyn Martin Campus; and as a token of our esteem, we direct that a copy of this resolution be provided to Dr. Harold C. Martin and Evelyn Martin.

Approved September 5, 1997

Time: 8:17 A.M.

Act No. 97-832

S.J.R. 39 – Senator Freeman

SENATE JOINT RESOLUTION

COMMENDING DR. LYNN D. RUSSELL FOR HIS OUTSTANDING CONTRIBUTIONS TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, Dr. Lynn Darnell Russell is resigning as University of Alabama in Huntsville Dean of the College of Engineering on August 31, 1997, and it is appropriate to highlight

his many achievements and to extend commendation for his professional leadership; and

WHEREAS, after receiving his B. S. degree in 1960, Dr. Russell obtained his master's degree from Mississippi State University and his Ph.D. from Rice University; and

WHEREAS, holding faculty positions at Mississippi State University, and serving as Dean of Engineering at the University of Tennessee at Chattanooga, Dr. Russell subsequently joined the University of Alabama in Huntsville as Dean of the College of Engineering and Professor of Mechanical Engineering in 1987; and

WHEREAS, he also served his profession well in the field of thermodynamics, researching and co-authoring a textbook for undergraduates; and

WHEREAS, a fellow in the American Society for Mechanical Engineers, Dr. Russell served as Chair of the Graduate Studies Division of the American Society for Engineering Education, and as a visitor for the Accreditation Board for Engineering and Technology for numerous universities; and

WHEREAS, through his trailblazing work, he initiated the Center for Propulsion, promoted research and overall support for the university that led to a doubling of the state budget, and initiated a fundraising campaign to obtain a million dollars for laboratory equipment for the university, among others; and

WHEREAS, Dr. Russell inspired and encouraged countless young people during his tenure, and was an ardent supporter of student projects such as the Concrete Canoe, the Human Powered Vehicle, and the student satellite project; and

WHEREAS, he also exerted a profound influence in community involvement with service on the Steering Council of the Engineering Science and Technology Committee to obtain an NSF grant; and

WHEREAS, Dr. Lynn Darnell Russell's effectiveness in the classroom and expertise in research activities have indeed brought professionalism, honor, esteem, and respect to the educational field; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Lynn D. Russell for his outstanding contributions to the University of Alabama in Huntsville, and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

Approved September 5, 1997

Time: 8:18 A.M.

Act No. 97-833

S.J.R. 40 – Senator Freeman

SENATE JOINT RESOLUTION

WISHING NATHAN DANIEL ALLINDER A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature expresses concern and regret in the injuries sustained by Nathan Daniel Allinder in an all-terrain vehicle accident in Holtville, Alabama, on July 28, 1997; and

WHEREAS, Nathan, who is the 13-year-old son of Pres and Sheryl Allinder and brother to Laura and Jeff Allinder of Holtville, is an active and devoted member of the youth group at Shoal Creek Baptist Church; and

WHEREAS, a student at Holtville High School, Jeff enjoys playing baseball and golf and is a striking example of an individual who highlights in a positive manner the achievements and abilities of the young people of the State of Alabama; and

WHEREAS, Jeff, a young Alabamian of extraordinary accomplishments, has brought great credit to his family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Nathan Daniel Allinder the speediest possible recovery, and anticipate that he will soon be able to return to school at Holtville High School, and do further direct that he receive a copy of this resolution, extended in friendship and with warmest regards.

Approved September 5, 1997

Time: 8:19 A.M.

Act No. 97-834

S.J.R. 41 – Senator Freeman

SENATE JOINT RESOLUTION

COMMENDING THE ALABAMA ENVIRONMENTAL COUNCIL FOR DESIGNATING MONTE SANO STATE PARK AND MOUNTAIN AS AN ALABAMA NATURAL WONDER.

WHEREAS, the Alabama Legislature notes with great pleasure the designation of Monte Sano State Park and Mountain as an Alabama Natural Wonder; and

WHEREAS, Monte Sano, Latin for Mountain of Health, was once a resort area that attracted many Alabamians and is now a

popular place for visitors to enjoy old-growth forest, spectacular scenery, and diverse plant and animal life; and

WHEREAS, Spring on the mountain offers a splendid display of wildflowers including trout lily, bent trillium, and shooting star, and Fall brings an all-encompassing show of color because of the variety of forest types on the mountain; and

WHEREAS, the diversity of the mountain, shown in its wildflowers and forests, are due to the limestone rock on its slopes which also accounts for the presence of shallow caves along many trails; and

WHEREAS, the mountain contains well-developed organic soils that give life to a distinct hardwood forest comprised of northern species that are uncommon in Alabama: yellow buckeye, sugar maple, and white basswood; and

WHEREAS, Monte Sano's mature hardwood forest represents an important habitat for neo-tropical migratory birds, such as the hooded warbler, oven bird, tanager, and vireo; and

WHEREAS, the Monte Sano Natural Wonders Coalition: Alabama Environmental Council, Burritt Museum & Park, Huntsville Land Trust, Monte Sano Historical Association, North Alabama Sierra Club, and State Park Officials, officially dedicated the site; and

WHEREAS, Champion Recycling, Inc., Legacy, Inc., Alabama Bureau of Tourism & Travel, Alabama Power Foundation, and the Munson Foundation have provided the financial support for this project; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize with commendation, admiration, and praise the Alabama Environmental Council's Natural Wonders Campaign which has identified Monte Sano State Park and Mountain as one of our 10 most scenically and ecologically significant areas with the intent of creating a greater awareness, a deeper education, and better understanding of our state's magnificent natural diversity to protect it for future generations.

Approved September 5, 1997

Time: 8:20 A.M.

SENATE JOINT RESOLUTION

WISHING NATHAN DANIEL ALLINDER A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature expresses concern and regret in the injuries sustained by Nathan Daniel Allinder in an all-terrain vehicle accident in Holtville, Alabama, on July 28, 1997; and

WHEREAS, Nathan, who is the 13-year-old son of Pres and Sheryl Allinder and brother to Laura and Jeff Allinder of Holtville, is an active and devoted member of the youth group at Shoal Creek Baptist Church; and

WHEREAS, a student at Holtville School, Nathan enjoys playing baseball and golf and is a striking example of an individual who highlights in a positive manner the achievements and abilities of the young people of the State of Alabama; and

WHEREAS, Nathan, a young Alabamian of extraordinary accomplishments, has brought great credit to his family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Nathan Daniel Allinder the speediest possible recovery, and anticipate that he will soon be able to return to school at Holtville School, and direct that he receive a copy of this resolution, extended in friendship and with warmest regards.

Approved September 5, 1997

Time: 8:21 A.M.

Act No. 97-836

S.J.R. 45 – Senator Windom

SENATE JOINT RESOLUTION

COMMENDING THE 14-YEAR-OLD THEODORE BABE RUTH LEAGUE BASEBALL TEAM AS NATIONAL CHAMPIONS.

WHEREAS, heartiest congratulations are herein extended to the 14-year-old Theodore Babe Ruth League National Championship Baseball Team who will be honored at ceremonies to be hosted by the Theodore Athletic Association on August 29, 1997, at the Tillman's Corner Community Center; and

WHEREAS, the spectacular Championship victory, culminating an outstanding season, indeed showcased the technical and inspirational skills of manager, Tony Hendrix, and coaches Rob Roberson and Will Bostick, the talent and tenacity of an exceptional staff, and the dedication and will-to-win spirit of each player; and

WHEREAS, of special note, among numerous accomplishments during their remarkable season, the champions broke three records,

playing the longest game in Babe Ruth tournament history, an amazing 17 innings; pitching three consecutive shut-outs; and achieving an unbelievable 24 consecutive scoreless innings; and

WHEREAS, the team's roster of Champions consists of Chris Copeland, Joseph Parden, Bo Briggs, Frankie Dean, Chad Roberson, Hal Hepburn, Mark Barton, Clint Howard, Joseph Flores, Jared Wright, Lance Howard, Chris Peavy, B. J. Catchot, Nick Zavros, and Jack Phillips; and

WHEREAS, these fine young athletes have indeed brought great honor to themselves, their community, and state, and are deserving of highest praise and recognition for their exceptional efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding achievement, we hereby most highly commend the Theodore 14-year-old Babe Ruth National Champions, and direct that a copy of this resolution be provided for appropriate presentation and school display.

Approved September 5, 1997

Time: 8:22 A.M.

Act No. 97-837

S.J.R. 46 – Senator Little

SENATE JOINT RESOLUTION

COMMENDING DON ROBERTS AS ALABAMA'S 1997 SECONDARY PRINCIPAL OF THE YEAR.

WHEREAS, highest commendation is hereby accorded Don Roberts upon his selection as 1997 Secondary School Principal of the Year to represent Alabama at the National Principal Recognition Program in Washington, D. C. on October 4-7, 1997; and

WHEREAS, Mr. Roberts, who earned his doctorate degree from Auburn University, has been principal of Opelika High School for eight years; he also was praised by the Alabama Association of Secondary School Principals for improving the Stanford Achievement Test scores, adopting block scheduling for classes, and for his involvement in the parent advisory committee; and

WHEREAS, Don Roberts is indeed commended on his exemplary professional career through deep dedication and commitment to the furtherance and support of public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Don Roberts as Alabama's 1997 Secondary Principal of the Year, and further direct that he receive a copy of this resolution of sincere admiration and esteem.

Approved September 5, 1997

Time: 8:23 A.M.

Act No. 97-838

S.J.R. 47 – Senator Little

SENATE JOINT RESOLUTION

COMMENDING THE CENTRAL ALABAMA COMMUNITY COLLEGE GOLF TEAM ON ITS NATIONAL CHAMPIONSHIP.

WHEREAS, the Central Alabama Community College Golf Team won the prestigious 1997 NJCAA National Golf Championship in Mesa, Arizona, thus bringing immense happiness and pride to the local community; and

WHEREAS, capturing a 16-stroke victory over Scottsdale Community College, the Trojans won back-to-back national titles for the first time in school history and their top golfer, freshman Carl Petterson, also won the individual championship; and

WHEREAS, the spectacular 1997 Championship victory, culminating a remarkable season, again showcased the exceptional skill and talent of Coach Maxie Boles who received the National Coach of the Year Award; and

WHEREAS, members of this amazing team are Jake Adams, Michael Lee, Will Swift, Carl Petterson, and Scott Todd; and

WHEREAS, the people of Alexander City, Alabama, can be proud of athletic competitors the caliber of the Central Alabama Community College Golf Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Central Alabama Community College Golf Team is congratulated on winning the 1997 NJCAA National Golf Championship and commended for the exemplary manner in which the members have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Coach Boles for appropriate school display.

Approved September 5, 1997

Time: 8:24 A.M.

Act No. 97-839

H.J.R. 122 – Reps. Newton (C), Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, Wren

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF PHILLIP HEATH NORRIS OF GREENVILLE, ALABAMA.

WHEREAS, a source of deep sorrow to the Alabama Legislature is the lamentable death of Phillip Heath Norris of Greenville, Alabama, on August 1, 1997; and

WHEREAS, born to loving parents, Phillip and Wanda Norris, on October 17, 1983, he was a devoted brother to Hannah, Holly,

and Heather, and faithful member of the Ft. Deposit Church of Christ; and

WHEREAS, an exceptionally bright and talented student, young Mr. Norris was an outstanding member of both the Jr. Beta Club and High Math Team at Greenville Junior High School, National Honor Society, and was recognized by Duke University for scholastic excellence; and

WHEREAS, he also participated in a variety of school activities including starting point guard for the basketball team and wide-receiver and kick returner for the football team at Greenville Junior High; and

WHEREAS, admirably representing the Dixie Boys Baseball Team as a pitcher and shortstop, and as a member of the All-Star Baseball Team, Phillip Heath Norris indeed possessed the skill and determination to succeed in achieving his goals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we give thanks unto God for the life of Phillip Heath Norris, and extend our sincere condolence to his mother and father, Phillip and Wanda Norris, for whom a copy of this resolution shall be presented.

Approved September 5, 1997

Time: 8:25 A.M.

Act No. 97-840

H.J.R. 127 – Reps. Hooper, Lindsey,
Allen, Melton, Carter

HOUSE JOINT RESOLUTION

EXPRESSING SYMPATHY TO THE CITIZENS OF GREAT BRITAIN ON THE UNTIMELY DEATH OF DIANA, PRINCESS OF WALES.

WHEREAS, it is with deep sadness and relentless grief that the Alabama Legislature records the untimely death of Diana, Princess of Wales, on August 30, 1997, at the age of only 36 years; and

WHEREAS, Princess Diana, whose lifetime of service earned the respect of people from around the world, contributed greatly toward the good and well-being of others and won their hearts by remaining devoted to them; and

WHEREAS, she championed countless humanitarian issues concerning the welfare of children, created a greater understanding

of the needs of AIDS patients, and, most recently, she brought world wide attention to the plight of children and adults who were land-mine victims of war-torn Bosnia; and

WHEREAS, affectionately known as “Princess Di,” she endeared herself to the world, especially the Americans, who related to her warmth of character, her love and concern for the disadvantaged, and her grace and charm under the most adverse circumstances; and

WHEREAS, a loving and devoted mother, Princess Diana exhibited, both by word and deed, her consuming compassion for her children, William and Henry, and she has left a sweet and indelible impression on their hearts that time can never diminish; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this exceptional lady, whose life bears eloquent testimony, is indeed honored for her continuing example of selfless service to others, and we pause to give thanks and praise in loving acknowledgement of her devotion and inspiration.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere condolence be presented to the British Consulate for appropriate display for the citizens of Great Britain.

RESOLVED FURTHER, That a tree be planted at the Alabama Capitol in memory of Diana, Princess of Wales, who indeed served as a worthy role model for others.

Approved September 5, 1997

Time: 8:26 A.M.

Act No. 97-841

H.J.R. 128 – Rep. Crigler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RONALD C. WRIGHT OF CODEN, ALABAMA.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of Ronald C. Wright at the young age of 28 years on July 6, 1997; and

WHEREAS, a native of St. Augustine, Florida, and longtime resident of Coden, Alabama, Mr. Wright was a 1988 graduate of

Alba High School and earned a well-deserved cheerleading scholarship to Faulkner State Community College; and

WHEREAS, he also earned a Bachelor of Arts degree from Alabama State University in 1994, and was pursuing a master's degree at Atlanta State University; and

WHEREAS, Mr. Wright, affectionately known as "Ronnie," was recognized for his cheerleading and tumbling expertise, and also was known for his phenomenal success as a dancer and gymnast; and

WHEREAS, the winner of numerous Showstopper Awards at national competition, Ronald C. Wright made a lasting impression on countless fans, and his immense and varied talents earned for him the respect of his professional associates and the Coden Community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we give thanks unto God for the life and service of Mr. Wright, and extend our most heartfelt sympathy to his foster parents, Ervin and Betty Royal, who raised Ronald from infancy; mother, Gloria Odom, and father, William Wright, for whom copies of this resolution shall be submitted, and sincere condolence to his brothers, Randy and Steven Wright, Sr.; and grandparents Joseph and Valerie Jefferson.

Approved September 5, 1997

Time: 8:27 A.M.

Act No. 97-842

H.J.R. 131 – Reps. Hall (A), Sanderford,
Haney, Papucci, Hinshaw,
Hall (L), Jorgensen

HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF FORMER MADISON COUNTY COMMISSIONER ROBERT SPEARS.

WHEREAS, recorded with deep and abiding sorrow is the lamentable death of former Madison County Commissioner Robert Spears of New Hope, Alabama, at the age of 59 years; and

WHEREAS, serving as commissioner from 1975 to 1984, commissioner Spears, who was a successful farmer and businessman, also was the recipient of numerous awards including Alabama's

Outstanding Young Farmer, Jaycees Outstanding Young Man, and the prestigious Jaycees Good Government Award; and

WHEREAS, the number of civic endeavors in which commissioner Spears participated are incalculable including the Top of Alabama Regional Council of Governments, National Association of County Governments, Alabama Farm Bureau, as well as a trustee of New Hope High School and charter member of New Hope Jaycees; and

WHEREAS, serving as a testament for others who strive for the best in personal, professional, and community life, commissioner Spears was especially significant in his efforts on behalf of the Elks, Fraternal Order of Eagles, YMCA, Huntsville Rotary Club, and the Huntsville and Madison Counties Chambers of Commerce; and

WHEREAS, left to cherish the memories of Robert Spears are his loving wife, Anna Jo Spears; sons, Daniel Spears and Robert Spears, Jr.; daughter, Kathy Jo Spears; six grandchildren; and other caring family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That deepest sympathy is hereby extended to the wife of former Madison County commissioner Robert Spears, Anna Jo, for whom a copy of this resolution of sincere condolence shall be provided.

Approved September 5, 1997

Time: 8:28 A.M.

Act No. 97-843

H.J.R. 132 – Reps. Hall (L), Hall (A),
Jorgensen, Sanderford,
Haney, Hinshaw,
Papucci

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOAN MARIE CARPENTER CASHIN OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word was received of the death of a beloved Alabama resident, Joan Marie Carpenter Cashin, on August 30, 1997; and

WHEREAS, born to Dr. Marcus and Mrs. Marie Carpenter in Jersey City, New Jersey, on January 31, 1936, Mrs. Cashin

attended Lincoln High School and, at the age of 15, was an early entrant in the Basic College Honors Program at Fisk University where she received a B. A. degree; she later received an M. A. degree from Columbia University; and

WHEREAS, Mrs. Cashin is remembered as a great civil rights activists in numerous political action groups including the NAACP, SCLC, Council on Human Relations, Voter Education Project, and the Southern Regional Council; and

WHEREAS, a founding member of the National Women's Political Caucus, she fought vigorously for what she believed was right and served with tireless devotion as supervisor of Community Services for the Community Action Agency of Huntsville and Madison Counties, and was a faithful member of First Missionary Baptist Church; and

WHEREAS, among the numerous awards Mrs. Cashin received are the Woman of the Year Award, Urban Service Award, and the Community Leadership Award; and

WHEREAS, left to cherish the memory of Joan Marie Carpenter Cashin are her loving husband, John; three children, John Marcus, Carroll, and Sheryll; four grandchildren; and a host of cousins and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Joan Marie Carpenter Cashin and, by copy of this resolution, extend our most heartfelt sympathy to her husband, John, with our sincere condolence.

Approved September 5, 1997

Time: 8:29 A.M.

Act No. 97-844

H.J.R. 134 – Rep. Newton (C)

HOUSE JOINT RESOLUTION

WISHING ERIN LINDSEY MARAMAN A SPEEDY RECOVERY.

WHEREAS, the Legislature of Alabama expresses concern and regret in the injuries sustained by Erin Lindsey Maraman, who is hospitalized at Children's Hospital in Birmingham, Alabama; and

WHEREAS, Lindsey is the loving 13 year-old daughter of Melvin and Cindy Maraman and sister to Courtney, age 14, and Lauren, age 8, of Greenville, Alabama; and

WHEREAS, a faithful member of Southside Baptist Church, Lindsey is currently a member of the junior varsity and senior Girls' Basketball Team, was inducted into the prestigious National Junior Beta Club, and served as president of the seventh-grade class; and

WHEREAS, further, she also was the winner of the Junior Miss Greenville Academy Beauty Pageant, a striking example of an individual who highlights in a positive manner the achievements and abilities of the young people of the State of Alabama; and

WHEREAS, Lindsey, a young Alabamian of extraordinary accomplishments, has brought great credit to her family, school, and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely wish Erin Lindsey Maraman the speediest possible recovery, and anticipate that she will soon be able to return to school at Greenville Academy, and do further direct that she receive a copy of this resolution, extended in friendship and with warmest regards.

Approved September 5, 1997

Time: 8:30 A.M.

Act No. 97-845

H.J.R. 136 – Rep. Smith

HOUSE JOINT RESOLUTION

HONORING THE FIRST BAPTIST CHURCH OF CLANTON, ALABAMA, UPON THE OCCASION OF ITS 125TH ANNIVERSARY.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama records the 125th Anniversary of the First Baptist Church in Clanton, Alabama; and

WHEREAS, First Baptist was established on November 5, 1872, by founders who pledged to give unreservedly of themselves and all they possessed to Almighty God, and to take the Scriptures as their rule of faith and practice in governmental and civic affairs, and in their personal values; and

WHEREAS, study and application of Biblical principles has been a continuing characteristic of the church throughout its history

and, in times of want and in times of plenty, members have practiced sacrificial and systematic giving for God's Kingdom and His works around the world; and

WHEREAS, in the home, parents have served as catalysts in strengthening the home and family life through quiet example of reverence for God; and

WHEREAS, from humble beginnings, leaders and members at First Baptist have recognized the providence of God and, for the future, pray to see life from God's perspective; and

WHEREAS, the current Pastor is Larry J. Michael, who is ably assisted by Reverend Jay Hurd, Minister of Education and Senior Adults, Mr. Greg King, Minister of Music, and Mr. Scott Springer, Minister to Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby most highly commend the membership of First Baptist Church of Clanton, Alabama, for their dedicated devotion to God and in service to their fellow man.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Michael for appropriate presentation and display.

Approved September 5, 1997

Time: 8:31 A.M.

Act No. 97-846

S.J.R. 48 – Senators Dixon, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE UNITED STATES AIR FORCE ON ITS 50TH ANNIVERSARY.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature joins in recognition and celebration of the 50th Anniversary of the United States Air Force in service to our community and nation; and

WHEREAS, originally a branch of the United States Army and called the Army Air Corps, the Air Force became a separate service in September 1947; and

WHEREAS, the primary objective of the Air Force 50th Anniversary Program, which begins in September, is to heighten internal and public awareness of the "Golden Legacy, Boundless Future" of the United States Air Force, a theme which recognizes the incalculable sacrifices and contributions made by individuals through the years to make the Air Force the powerful force it is today and into tomorrow as it leads the nation's defense into the aerospace age; and

WHEREAS, the program provides an opportunity to highlight the continuing importance of air and space power, to increase pride in the Air Force team, to thank and honor our veterans and family members, and to inspire pride in what the Air Force represents to all Americans, among other objectives; and

WHEREAS, the Air University and Maxwell-Gunter Air Force Base in Montgomery have long played and continue to play a prominent role in our nation's defense; the Air Corps Tactical School at Maxwell Field directly impacted the successful application of airpower during World War II, bringing victory over the Axis powers, and, today, the Air University continues to develop doctrine and strategy to guide the role of airpower in our nation's defense; and

WHEREAS, the United States Air Force and the City of Montgomery have shared a special relationship for many years, and the Air Force is one of our state's most valued and beloved citizens; and

WHEREAS, the history of Alabama is replete with the contributions that the airmen of Maxwell-Gunter have made and continue to make on its behalf, including facilitating the first air mail flight from Mobile to Maxwell to Birmingham and further in 1925; providing flood and disaster relief to all of South Alabama in 1929, saving the lives of thousands of Alabamians in the wake of devastating floods that ravaged the region; and contributing significantly

to our state's economic well-being as one of our state's largest employers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous 50th Anniversary occasion, we join in tribute to the men and women of the United States Air Force at Maxwell-Gunter Air Force Base and throughout our state and nation, and direct that a copy of this resolution be provided as an expression of our sincere gratitude and esteem.

Approved September 5, 1997

Time: 8:32 A.M.

Act No. 97-847

S.J.R. 49 – Senator Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. OLIVER WOODSON BRADSHAW OF CAMP HILL, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. Oliver Woodson Bradshaw of Camp Hill, Alabama, on June 11, 1997, at the age of 83; and

WHEREAS, a native of Chambers County, Mr. Bradshaw served as a County Commissioner of Tallapoosa County for 20 years; he also was involved in leadership and service with civic, cultural, and educational activities, and was a devoted member and contributed generously to the Camp Hill Baptist Church; and

WHEREAS, Mr. Bradshaw was indeed a very kind, loving and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Oliver Woodson Bradshaw and extend our very deepest sympathy to his wife Mae John Bradshaw; his son, Ted Bradshaw; his two daughters, Cheryl Daniels and Betty Larson; his grandchildren and great grandchildren; and to other family members, for whom copies of this resolution shall be provided so that they may know we sincerely share their great and grievous loss.

Approved September 5, 1997

Time: 8:33 A.M.

Act No. 97-848

S.J.R. 50 – Senators Little, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

DESIGNATING OCTOBER 5-11, 1997, AS FIRE PREVENTION WEEK.

WHEREAS, smoke and poisonous gases serve as the leading cause of death in fires, reaching their victims well before a fire's flames; and

WHEREAS, advance escape planning is essential to escaping a fire safely; and

WHEREAS, an adequate escape plan includes knowing two ways out of every room, an outdoor location where everyone will meet upon exiting, and memorizing the fire department's telephone number; and

WHEREAS, fire drills should be practiced regularly, at least twice a year; and

WHEREAS, early warning signs of fire must be taken seriously, as a quick, decisive response during a fire emergency makes the difference between life and death; and

WHEREAS, this year's Fire Prevention Week theme, "Know When to Go: React Fast to Fire!" emphasizes the importance of escape planning at home and in public settings; and

WHEREAS, the firefighting community of Alabama is dedicated to preserving life and property from the devastating effects of fire; and

WHEREAS, the members of the firefighting community join with businesses, schools, service clubs and organizations, and other concerned citizens of the state in fire prevention and safety efforts; and

WHEREAS, local efforts of the firefighting community are supported by the activities of such organizations as the Alabama Fire Chief's Association, the Alabama Fire College, the Alabama Firefighters Association, the Alabama Rural Community Fire Protection Institute, the Professional Firefighters Association of Alabama, and the Alabama Association of Volunteer Fire Departments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That October 5 through 11, 1997, is designated as Fire Prevention Week in Alabama.

Approved September 5, 1997

Time: 8:34 A.M.

Act No. 97-849

S.J.R. 51 – Senators Little, Bedford, Figures, Adams, Amari, Armistead, Bailey, Barron, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

EXPRESSING SYMPATHY TO THE CITIZENS OF GREAT BRITAIN ON THE UNTIMELY DEATH OF DIANA, PRINCESS OF WALES.

WHEREAS, it is with deep sadness and relentless grief that the Alabama Legislature records the untimely death of Diana, Princess of Wales, on August 30, 1997, at the age of only 36 years; and

WHEREAS, Princess Diana, whose lifetime of service earned the respect of people from around the world, contributed greatly toward the good and well-being of others and won their hearts by remaining devoted to them; and

WHEREAS, she championed countless humanitarian issues concerning the welfare of children, created a greater understanding of the needs of AIDS patients, and, most recently, she brought world wide attention to the plight of children and adults who were land-mine victims of war-torn Bosnia; and

WHEREAS, affectionately known as "Princess Di," she endeared herself to the world, especially the Americans, who related to her warmth of character, her love and concern for the disadvantaged, and her grace and charm under the most adverse circumstances; and

WHEREAS, a loving and devoted mother, Princess Diana exhibited, both by word and deed, her consuming compassion for her children, William and Henry, and she has left a sweet and indelible impression on their hearts that time can never diminish; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this exceptional lady, whose life bears eloquent testimony, is indeed honored for her continuing example of selfless service to others, and we pause to give thanks and praise in loving acknowledgement of her devotion and inspiration.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere condolence be presented to the British Consulate for appropriate display for the citizens of Great Britain.

Approved September 5, 1997

Time: 8:35 A.M.

Act No. 97-850

H. 31 – Reps. Willis, Sims

AN ACT

Relating to Calhoun County; to require the Calhoun County Commission to maintain and staff the county maintenance barn at Piedmont, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Calhoun County, Alabama.

Section 2. The Calhoun County Commission shall maintain and staff the county maintenance barn located in Piedmont, Alabama.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 8, 1997

Time: 6:14 P.M.

Act No. 97-851

S. 112 – Senators Armistead, Smith,
 Mitchem, Ghee, Clay,
 Butler, Steele, Windom,
 Dixon, Bailey, Lipscomb,
 Davidson, Adams, Little,
 Barron, Hale, Amari, Hill,
 and Waggoner

AN ACT

Establishing the Child Abandonment Act; to amend Sections 26-18-6 and 26-18-7, Code of Alabama 1975; to allow jurisdiction over an abandoned child; to require an effort be made to determine intent by the parents; to provide certain time lines for service of process; to provide for service by publication in certain cases involving an abandoned child; and to provide for the point in time when a rebuttable presumption of abandonment exists.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 26-18-6 and 26-18-7, Code of Alabama 1975, are amended to read as follows:

“§26-18-6.

“(a) This section shall be known and cited as the “Child Abandonment Act.”

“(b) Except as otherwise provided by the Alabama Rules of Juvenile Procedure and this act, service of process shall be made in accordance with the Alabama Rules of Civil Procedure.

“(c) The state shall have jurisdiction over an abandoned child and the absent parent or parents, whether they reside within the state or outside of the state, with respect to all issues under this section.

“(d) The state agency or private agency having custody of the abandoned child shall make every reasonable effort to determine if the child was intentionally abandoned by the parent or parents.

“(e) Within 14 calendar days following the period required under Section 26-18-7, the state agency or private agency having custody of the abandoned child shall petition the juvenile court having jurisdiction over the child to terminate parental rights to the abandoned child.

“(f) The state agency or private agency having custody of the abandoned child shall within 90 days complete service of process on the child’s parent or parents or, upon failure of service of process, petition the court to order service by publication.

“(g) Service of process by publication may be used by a juvenile court having jurisdiction over an abandoned child when all of the following conditions are met:

“(1) The court has reached a point in the proceedings concerning an abandoned child where the only remaining proceeding is the final disposition of the case.

“(2) The final disposition sought is the termination of parental rights for the purpose of placing the child for adoption.

“(3) The child who is the subject of the proceedings was abandoned in the state.

“(4) The state agency or private agency having custody of the child has established, by evidence presented to the court of competent jurisdiction, that the absent parent or parents are avoiding service of process or their whereabouts are unknown and cannot be ascertained with reasonable diligence.

“(h) Service of process by publication may be ordered by the court if the requirements of subsection (g) are met. Service shall be made by publication in a newspaper of general circulation in the county of the court having jurisdiction and in the county of the last known address of the parent or parents of the abandoned child, at least once a week for four consecutive weeks.

“(i) For purposes of this section, “abandoned child” means a minor abandoned by his or her parents as defined in Sections 26-18-3 and 26-18-7.

“§26-18-7.

“(a) If the court finds from clear and convincing evidence, competent, material, and relevant in nature, that the parents of a child are unable or unwilling to discharge their responsibilities to and for the child, or that the conduct or condition of the parents is such as to render them unable to properly care for the child and that such conduct or condition is unlikely to change in the foreseeable future, it may terminate the parental rights of the parents. In determining whether or not the parents are unable or unwilling to discharge their responsibilities to and for the child, the court shall consider, and in cases of voluntary relinquishment of parental rights may consider, but not be limited to, the following:

“(1) That the parents have abandoned the child.

“(2) Emotional illness, mental illness or mental deficiency of the parent, or excessive use of alcohol or controlled substances, of such duration or nature as to render the parent unable to care for needs of the child.

“(3) That the parent has tortured, abused, cruelly beaten, or otherwise maltreated the child, or attempted to torture, abuse, cruelly beat, or otherwise maltreat the child, or the child is in clear and present danger of being thus tortured, abused, cruelly beaten, or otherwise maltreated as evidenced by such treatment of a sibling.

“(4) Conviction of and imprisonment for a felony.

“(5) Unexplained serious physical injury to the child under such circumstances as would indicate that such injuries resulted from the intentional conduct or willful neglect of the parent.

“(6) That reasonable efforts by the Department of Human Resources or licensed public or private child care agencies leading toward the rehabilitation of the parents have failed.

“(b) Where a child is not in the physical custody of its parent or parents appointed by the court, the court, in addition to the foregoing, shall also consider, but is not limited to the following:

“(1) Failure by the parents to provide for the material needs of the child or to pay a reasonable portion of its support, where the parent is able to do so.

“(2) Failure by the parents to maintain regular visits with the child in accordance with a plan devised by the department, or any public or licensed private child care agency, and agreed to by the parent.

“(3) Failure by the parents to maintain consistent contact or communication with the child.

“(4) Lack of effort by the parent to adjust his or her circumstances to meet the needs of the child in accordance with agreements reached, including agreements reached with local departments of human resources or licensed child-placing agencies, in an administrative review or a judicial review.

“(c) In any case where the parents have abandoned a child and such abandonment continues for a period of four months next preceding the filing of the petition, such facts shall constitute a rebuttable presumption that the parents are unable or unwilling to act as parents.”

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 8, 1997

Time: 6:15 P.M.

Act No. 97-852

H. 9 – Reps. Hall (A), Jorgensen

AN ACT

Relating to Madison County; to amend Section 1 of Act 80-277 of the 1980 Regular Session (Acts 1980, p. 366), as amended by Act 92-522 of the 1992 Regular Session (Acts 1992, p. 1055); to reallocate a portion of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes to the county

school district and the City of Huntsville School District for education purposes for fiscal years, beginning fiscal year 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 80-277, 1980 Regular Session (Acts 1980, p. 366), as amended by Act 92-522 of the 1992 Regular Session (Acts 1992, p. 1055), is amended to read as follows:

“Section 1. A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County’s share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

“1. Up to one percent of such payments each year shall be used to establish, equip and maintain a legislative delegation office. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each house voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services, and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not spent at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

“In addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10 percent of its budget allocation. It is understood this allocation may not be made annually, but only as needed.

“B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

“1. Seventy percent of the remaining money shall be distributed among the county school system and the municipal school

systems on the basis of average daily attendance of each school system as it bears to the total average daily attendance of all county and municipal school systems based on the number of students residing within the county. Of this amount received by the county, two hundred fifty thousand dollars (\$250,000) shall be expended annually by the county school system on outdoor athletic facilities, including athletic fields.

Notwithstanding the foregoing, for the first fiscal year following the effective date of this act, the county school system shall reimburse any municipal school system in the amount of three-fourths of any loss incurred by that municipal school system under this section. For the second fiscal year following the effective date of this act, the county school system shall reimburse any municipal school system in the amount of one-half of any loss incurred by that municipal school system under this section. For the third fiscal year following the effective date of this act, the county school system shall reimburse any municipal school system in the amount of one-fourth of any loss incurred by that municipal school system under this section. Any reimbursements made pursuant to this section shall be made prior to any transfers of money to any municipal school system pursuant to this act.

"2. Nine percent of the remaining money shall be paid to the Madison County General Fund.

"3. One percent shall be allocated to municipal schools on academic alert or academic caution as determined by the State Superintendent of Education for the first five fiscal years following the effective date of this act and thereafter the one percent shall be allocated pursuant to B.1."

4. Nineteen and one-half percent of the remaining money shall be paid to the City of Huntsville General Fund of which fifteen percent shall be earmarked to the Huntsville City school system.

5. One-half percent of the remaining money shall be paid to the incorporated municipalities within Madison County on a per capita basis. Payments shall be distributed in the following manner:

(a) Sixty-five percent to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent to the municipal general fund."

Section 2. This act shall become effective October 1, 1997 after its passage and approval by the Governor, or its otherwise becoming law.

Approved September 9, 1997

Time: 8:15 A.M.

Act No. 97-853

H.J.R. 141 – Reps. Allen, Layson, Guin,
Melton, Parker (T)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LILLIE BISHOP OF
TUSCALOOSA, ALABAMA.

WHEREAS, herein noted with deep and profound sorrow is the death of Lillie Bishop of Tuscaloosa, Alabama, on August 30, 1997; and

WHEREAS, born to the union of the late Willie and Amos Brant, Mrs. Bishop accepted Christ at an early age and united with Elizabeth Baptist Church; and

WHEREAS, Mrs. Bishop and her husband, John C. Bishop, better known as “Mudia,” and “Big Daddy,” founded the nationally known Dreamland Bar-B-Que restaurant and, with its famous reputation for fine food, Dreamland became one of Tuscaloosa’s most popular eating establishments for “just ribs and white bread”; and

WHEREAS, combining excellent food with a family atmosphere endeared Mrs. Bishop to countless individuals who have had the pleasure of sampling her good food; and

WHEREAS, left to cherish the fond memories of Lillie Bishop are her loving husband, John; two daughters and sons-in-law, Jeanette and Roscoe Hall and Mary Elizabeth and Jessie Clark; son, John C. Bishop, Jr.; son and daughter-in-law, Bobby and Florence Brant; three sisters, Bessie Phillips and Elizabeth and Margaret Brant; 12 grandchildren; and a host of other relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed grieved by the death of Lillie Bishop, and extend heartfelt sympathy to her beloved husband, John, whose sorrow we share, and for whom a copy of this resolution is provided.

Approved September 9, 1997

Time: 8:18 A.M.

Act No. 97-854

H.J.R. 142 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING JACK THOMAS FOR HIS OUTSTANDING
PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Jack Thomas has brought great credit and distinction to himself through his career achievements with the Baldwin County Historic Development Commission, and it is appropriate to extend special honor and highest commendations; and

WHEREAS, a native of Tallahassee, Florida, Mr. Thomas has lived in Baldwin County for 45 years, retiring from Thomas Pontiac in Daphne, Alabama, in 1981; and

WHEREAS, he is a partner in Thomas, Harrison & Associates Insurance Agency in Montrose and, at age 70, is retiring as founder, and only chairman, of Baldwin County's Historic Development Commission after 13 years of distinguished service; and

WHEREAS, the Baldwin County Historic Development Commission was authorized by the Legislature in 1980 to protect and preserve buildings and sites in the county; and

WHEREAS, Mr. Thomas also was instrumental in designing and posting historic markers at 16 churches and more than 100 buildings throughout the county, as well as acquiring the National Historic Landmark designation for the Bottle Creek Indian mounds; and

WHEREAS, he also exerted a profound influence in conducting surveys of historic buildings throughout the county and in creating a promotional map marking and explaining county historic sites; and

WHEREAS, Jack Thomas, whose record of leadership and exceptional professional achievement with the Baldwin County Historic Development Commission, has earned the respect and admiration of the people of his community through his hard work and selfless commitment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service with the Historic Development Commission, we most highly commend Jack Thomas and do further direct that he receive a copy of this resolution as an expression of our tribute and esteem.

Approved September 9, 1997

Time: 8:16 A.M.

Act No. 97-855

H.J.R. 145 – Reps. Knight (A), Hill, Smith

HOUSE JOINT RESOLUTION

COMMENDING THE CITIZENSHIP TRUST AND ALABAMA PTA, ALABAMA STUDENTS, TEACHERS, SCHOOL LEADERS, PARENTS, BUSINESSES, AND CITIZENS FOR WINNING NATIONAL RECOGNITION IN JULY 1997, FOR THE 1996 STUDENT MOCK ELECTION, AND ENCOURAGING THEM TO MAKE ALABAMA A NATIONAL WINNER AGAIN IN THE 1998 STUDENT MOCK ELECTION.

WHEREAS, in July 1997, The Citizenship Trust and the Alabama PTA recently received the "Outstanding Leadership in Voter Education Award" presented by TIME magazine and the National Association of State Boards of Education for their outstanding work with the 1996 Alabama Student Mock Election; and

WHEREAS, Alabama students, their teachers, school administrators, school boards, parents, citizens, and Alabama PTA worked with The Citizenship Trust to make this the largest ever citizenship education project in Alabama; and

WHEREAS, a record number of more than 311,000 students voted in Alabama, representing all 67 counties and 127 school systems, making Alabama number one in its percentage of student participation and fifth in the nation in overall total votes; and

WHEREAS, that The Citizenship Trust, Alabama PTA, students, teachers, principals, school boards, school superintendents, and other personnel, businesses, and citizens be commended for their efforts in making the 1996 student mock election such a tremendous success, resulting in national recognition in July 1997; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature encourages students, schools, businesses, parents, and citizens to make Alabama a national winner again through maximum efforts in the schools, communities, and homes in support of the 1998 Student Kickoff Convention to be held on March 3, 1998, and the Student Mock Election on October 27, 1998.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to both The Citizenship Trust and Alabama PTA.

Approved September 9, 1997

Time: 8:17 A.M.

Act No. 97-856

H. 125 – Reps. Fuller, Curry

AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1998, for debt service, and for capital outlay to be paid out of funds

specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 and 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1998, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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SECTION 3.

STATE AGENCIES:

**1. AMERICAN LEGION AND
AUXILIARY SCHOLAR-
SHIPS:**

(a) Support of Other Educational
Activities Program

91,634

SOURCE OF FUNDS:

(1) ETF	91,634	
Total American Legion and Auxiliary Scholarships	91,634	91,634

To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Education Management Program		485,000
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SOURCE OF FUNDS:

(1) ETF	485,000	
Total Department of Archives and History	485,000	485,000

3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program		3,993,423
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Of the above appropriation to the Fine Arts Program, \$25,000 shall be allocated to the Greenville Area Arts Council.

(b) Community Arts and Cultural Programs		500,000
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SOURCE OF FUNDS:

(1) ETF	3,993,423	
(2) Federal and Local Funds ..		500,000
Total State Council on the Arts ..	3,993,423	500,000
		4,493,423

4. BUILDING COMMISSION, STATE:

(a) Special Services Program		540,206
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SOURCE OF FUNDS:

(1) ETF-Transfer	540,206	
Total State Building Commission ..	540,206	540,206

5. BUSKEY MATCHING FUNDS – PENNY TRUST FUND:

(a) Special Services Program . 100,000

SOURCE OF FUNDS:

(1) ETF-Transfer..... 100,000

Total Buskey Matching Funds
– Penny Trust Fund 100,000 100,000

In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975. It is the intent of the Legislature that any of the above appropriation which is not needed to match contributions shall be deposited into the Penny Trust Fund.

6. CHILD ABUSE AND NEGLECT PREVENTION BOARD:

(a) Social Services Program... 1,991,230

In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer..... 1,991,230

Total Child Abuse and Neglect
Prevention Board..... 1,991,230 1,991,230

7. DEBT SERVICE:

(a) Debt Service Program 13,232,222

For payments on interest and principal of General Obligation Refunding Bonds 1992, Series A and B12,208,418

In the event it is determined that funds should be transferred from the ETF to the State General Fund for reimbursement of sales taxes on automobiles erroneously deposited into the ETF, the

amount of ETF funds required to be transferred, up to the amount of the above appropriation for debt service on General Obligation Refunding Bonds 1992, Series A and B, shall be expended for such debt service. For payments on endowments as follows:

For interest and principal on University of Montevallo (Alabama College) Endowment409,060

For interest on Auburn University Endowment20,280

For interest on University of Alabama Endowment61,000

For interest on Grove Hill Endowment.....600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated410,000

Interest on School Indemnity Lands, Estimated90,000

Interest on Valueless 16th Section Lands5,825

Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund275

Total Interest on Public School Fund Endowment532,864

SOURCE OF FUNDS:

(1) ETF 12,699,358

(2) ETF-Transfer..... 532,864

Total Debt Service 13,232,222 13,232,222

8. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	121,854
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SOURCE OF FUNDS:

(1) ETF	121,854	
Total Board of Dental Scholarship Awards.....	121,854	121,854

To be expended under the provisions of Code of Alabama 1975, Sections 16-47,-76 through 16-47-61.

9. DRUG EDUCATION AND AWARENESS OVERSIGHT COUNCIL:

(a) Support of Other Educational Activities Program	793,253
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SOURCE OF FUNDS:

(1) ETF.	793,253	
Total Drug Education and Awareness Oversight Council	793,253	793,253

To be expended under the provisions of Code of Alabama 1975, Sections 41-25-1 through 41-25-5. It is the intent that all existing programs be level funded in FY 1997-98 at the FY 1996-97 levels. In addition to the above appropriation there is conditionally appropriated \$100,000 to the Drug Education and Awareness Oversight Council, to be conditioned upon the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor. It is the intent of the Legislature that this appropriation shall be expended to establish new DARE programs.

10. EDUCATION, STATE
BOARD OF – K-12 FOUN-
DATION PROGRAM:

(a) Foundation Program.....	2,496,709,410
(b) Transportation Program..	153,264,071

Of the above appropriation,
the amount necessary to fund
a transportation program for
alternative and gifted stu-
dents in any school system in
a Class I municipality shall
be calculated in the distribu-
tion formula by the State
Department of Education for
the transportation program.

(c) Board of Adjustment.....	450,000
(d) At-Risk Student Program	25,612,5000

The above appropriation shall be
used to develop programs that
address the needs of at-risk
students as defined by the
State Department of Edu-
cation. These programs shall
provide additional services that
increase the amount and qual-
ity of instructional time with
extended learning time oppor-
tunities including but not lim-
ited to before and after school
programs, summer programs,
tutoring programs, weekend
programs, and alternative
schools. A portion of the appro-
priation may also be used for
training parents and teachers
to work with at-risk students
and to provide services that
meet identified critical needs of
at-risk students.

(e) Endowment Interest Program – Public School Fund	532,864
(f) Hold Harmless Program – Public School Fund	11,773,426

(g) Capital Outlay Program - Public School Fund	66,226,574
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SOURCE OF FUNDS:

(1) ETF	2,463,168,011	
(2) Public School Fund.....	78,532,864	
(3) Local Funds	212,867,970	
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Total State Board of Education - K-12 Foundation Program.	2,463,168,011	291,400,834 2,754,568,845

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. Foundation Program calculations for FY 1997-98 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios, but it is the intent of the Legislature that class sizes for the 1997-98 academic year be reduced from the class sizes actually experienced in the 1996-97 academic year.

Grades K-3 : 14

Grades 4-6 : 22

Grades 7-8 : 21

Grades 9-12 : 18

In allocating the funds in subsection (a) State Board of Education shall allot funds

based on the rates established as follows: The Foundation Program shall use the following salary matrix to determine the cost of instructional salaries:

<u>Years</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp < 3	25,882	29,764	32,093	34,423	25,882
3 ≤ exp < 6	28,470	32,740	35,303	37,865	28,470
6 ≤ exp < 9	28,858	33,187	35,784	38,381	28,858
9 ≤ exp < 12	29,246	33,633	36,265	38,898	29,246
12 ≤ exp < 15	29,634	34,080	36,747	39,414	29,634
15 ≤ exp < 18	30,023	34,526	37,228	39,930	30,023
18 ≤ exp < 21	30,411	34,973	37,710	40,447	30,411
21 ≤ exp	30,799	35,419	38,191	40,963	30,799

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.66% of salaries and the Public Education Employees' Health Insurance Program rate shall be \$200 per month for each full-time employee. In addition to the above rate of \$200 per month, the Public Education Employees' Health Insurance Board shall, at the end of the first quarter of FY 1997-98, re-evaluate the claims experience and revenues and shall provide a written report to the Finance Director and the Legislature by the fifth legislative day of the 1998 Regular Session, detailing any additional premium changes which might be necessary for the remainder of the

fiscal year in order to pay all expenses submitted to the claims administrator by the providers for payment of claims during the fiscal year plus maintain a 12% reserve based upon expenses submitted to and paid by the claims administrator during FY 1997-98 and shall adjust such rate accordingly. The Legislature shall then address any such rate change by providing for sufficient funding to cover such rate increase, if any. For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$52.50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$75 per unit earned in the Foundation Program; (4) professional development at \$60 per unit earned in the Foundation Program; It is the intent of the Legislature that the existing eleven Teacher In-Service Centers continue to be funded from Professional Development monies provided by the K-12 Foundation Program funded above for the 1997-1998 fiscal year. Professional development funds shall be allocated by the State Board of Education through the State Superintendent to each In-Service

Center in each geographical area of the state based upon the total allocation (\$60 per state funded certificated unit) to the school systems in each In-Service Center's present geographic region. Funds shall be transferred to each Center by the Department of Education within 30 days of receipt of said funds; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 40% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD ROMs, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

11. EDUCATION, STATE BOARD OF – POSTSECONDARY PRISON EDUCATION:

(a) Operations and Maintenance	8,320,821	2,981,555	11,302,376
(b) Restricted Funds		2,300,250	2,300,250

SOURCE OF FUNDS:

(1) ETF	8,320,821
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(2) Federal and Other Funds	5,281,805		
Total State Board of Education- Postsecondary Prison Education	8,320,821	5,281,805	13,602,626

The Operations and Maintenance appropriation above of \$8,320,821 to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges listed on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Technical College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

12. EDUCATION, STATE
BOARD OF – POSTSEC-
ONDARY SKILLS TRAIN-
ING AND EDUCATION:

(a) Operations and Maintenance...	23,215,893		
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SOURCE OF FUNDS:

(1) Federal and Local Funds	23,215,893		
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Total State Board of Education – Postsecondary Skills Train- ing and Education.....	23,215,893	23,215,893	
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13. EDUCATION, STATE
BOARD OF – TWO-YEAR
COLLEGE SYSTEM:

(a) Operations and Maintenance	188,548,007	96,403,607	284,951,614
(b) Coosa Valley Nursing Pro- gram at Central Alabama Community College	99,696		99,696
(c) Small Business Assistance- Public-Private Partnership Program.....	150,000		150,000
(d) Auxiliary Enterprises		20,005,510	20,005,510
(e) Restricted Funds.....		74,374,750	74,374,750

SOURCE OF FUNDS:

(1) ETF	188,797,703		
(2) Federal and Other Funds	190,783,867		

Total State Board of Education – Two-Year College System.....	188,797,703	190,783,867	379,581,570
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(1) Each community, junior and technical college shall receive the same proportionate share from the appropriation for Operations and Maintenance up to \$186,789,392 as was received during the 1996-97 fiscal year for Operations and Maintenance and the 4% pay raise. The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Beville State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Technical College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma). The remaining appropriation from Operations and Maintenance shall be distributed as determined by the Chancellor of the Postsecondary System.

(2) The appropriation in (c) above for the Small Business Assistance-Public-Private Partnership Program shall be allocated to George C. Wallace State Community College (Selma).

(3) There is hereby appropriated \$100,000 to the Nursing Program at Ayers State Technical College and \$200,000 for capital outlay at Snead State Community College and \$100,000 to Jefferson State Community College from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

14. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services Program

55,531,677

The proposed spending plan for
the ETF monies included in

the above program is as follows:

Operations and Maintenance
of Department.....16,351,327

Civic Education

Project150,000

Dropout Prevention Pilot

Project165,000

The pilot project for dropout prevention shall be expended to fund the implementation of strategies deemed effective in reducing the incidence of dropouts and it shall fund programs for students whose education was interrupted for disciplinary reasons. It shall be utilized to allow those students to complete their high school diplomas, GED preparation, or vocational education (for age-qualified students).

Alabama Young Farmers Education Program45,252

To be administered by the
Houston County Board of
Education.

Project AIM.....10,000

PALS35,000

Southern Center for International Studies.....200,000

Alabama Writing

Project100,000

American Village.....240,000

To be administered by the
Citizenship Trust pursuant
to Section 16-44A-31 et seq.
of the Code of Alabama 1975
(Act 95-376) for statewide citizenship education programs and the American Village constitution and citizenship

education center. In addition to the above appropriation, there is hereby appropriated \$500,000 to American Village from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor.

Booker T. Washington Magnet Arts High School-Capital Outlay and Equipment400,000

Alabama Governor's School for state summer school program at Booker T. Washington Magnet Arts High School ...150,000

Citizenship and Character and Leadership Education..200,000

SOURCE OF FUNDS:

(1) ETF.....	18,046,579		
(2) Federal and Local Funds.....		37,485,098	
Total Administrative Services Program.....	18,046,579	37,485,098	55,531,677
(b) At-Risk Student Program.....			2,387,500

SOURCE OF FUNDS:

(1) ETF.....	2,387,500		
Total At-Risk Student Program	2,387,500		2,387,500

The above appropriation is to be used for providing assistance in serving at-risk students in the local school system.

(c) Adult Basic Education Program.....			12,893,502
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SOURCE OF FUNDS:

(1) ETF.....	5,681,315		
(2) Federal and Local Funds.....		7,212,187	
Total Adult Basic Education Program.....	5,681,315	7,212,187	12,893,502

Of the above appropriation, \$80,000 shall be allocated to the Education Alternative Program.

It is the intent of the Legislature that the State Superintendent of Education shall utilize the above appropriation to provide basic educational services to the maximum number of welfare recipients that is practical.

(d) Community Education Program . 1,176,296

SOURCE OF FUNDS:

(1) ETF	1,051,296		
(2) Federal and Local Funds.....		125,000	
Total Community Education Program.....	1,051,296	125,000	1,176,296

Of the above appropriation to Community Education, \$100,000, in addition to the amount that is normally allocated, shall be allocated to the Birmingham City Community Education Program.

(e) Financial Assistance Program .. 363,838,917

The proposed spending plan for the ETF monies included in the above program is as follows:

Pre-School Program2,512,096

National Geographic Grant-Matching Funds50,000

SOURCE OF FUNDS:

(1) ETF	2,562,096		
(2) Federal and Local Funds.....		361,276,821	
Total Financial Assistance Program.....	2,562,096	361,276,821	363,838,917

(f) Alabama Science in Motion Program 2,475,000

SOURCE OF FUNDS:

(1) ETF-Transfer	2,475,000		
Total Alabama Science in Motion Program.....	2,475,000		2,475,000

It is the Legislature's intent to reappropriate all previously appropriated funds that remain unexpended in the Educational Technology Fund for this program and that all appropriations to this program be expended in accordance with Title 16, Chapters 61B and 61C, Code of Alabama 1975.

(g) Teaching Children with Disabilities Program.....	100,000
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SOURCE OF FUNDS:

(1) ETF	100,000	
<hr/>		
Total Teaching Children with Disabilities Program.....	100,000	100,000

(h) Alabama Center for Law and Civic Education	66,000
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SOURCE OF FUNDS:

(1) ETF	66,000	
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Total Alabama Center for Law and Civic Education	66,000	66,000

(i) Support of Other Educational Activities Program	12,750
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The proposed spending plan for the ETF monies included in the above program is as follows:

Education of Dependents of Blind Parents.....	12,750
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SOURCE OF FUNDS:

(1) ETF	12,750	
<hr/>		
Total Support of Other Educational Activities Program	12,750	12,750

For reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to

dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(j) Multi-System Evaluation Center Program	230,000
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Of the above appropriation to the Multi-System Evaluation Center, it is the intent of the Legislature that \$90,000 shall be utilized to continue a multi-system evaluation center in West Alabama.

SOURCE OF FUNDS:

(1) ETF	230,000	
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Total Multi-System Evaluation Center Program.....	230,000	230,000
		<hr/>

(k) National Board for Professional Teaching Standards.....	50,000
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Alabama teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Deans of the Colleges of Education of Auburn University, Alabama A&M University, Alabama State University, and the University of Alabama (or their designees) shall review and screen the applicants and choose the recipients. The State Superintendent of Education and the Executive Secretary of the Alabama Education Association shall be co-chairs of the panel and shall call the first meeting. The panel shall require recipients to commit to teach in Alabama public K-12 schools for an additional period of five years unless an exception is granted by the panel for good cause.

SOURCE OF FUNDS:

(1) ETF	50,000		
Total National Board for Professional Teaching Standards	50,000		50,000
(1) Disability Determination for Social Security Program			34,078,607

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	34,078,607		
Total Disability Determination for Social Security Program.....	34,078,607		34,078,607

TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ETF	32,662,536		
(2) Federal and Local Funds.....	440,177,713		
GRAND TOTAL STATE DEPARTMENT OF EDUCATION	32,662,536	440,177,713	472,840,249

15. EDUCATIONAL TELEVISION COMMISSION:

(a) Educational Television and Public Radio Service Program.....			7,983,639
(b) Capital Outlay Program			127,500

The above appropriation is for equipment replacement/upgrade purposes.

SOURCE OF FUNDS:

(1) ETF	6,776,389		
(2) Federal and Local Funds.....	1,334,750		
Total Educational Television Commission	6,776,389	1,334,750	8,111,139

16. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....			1,973,994
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SOURCE OF FUNDS:

(1) ETF	<u>1,973,994</u>		
Total Department of Examiners of Public Accounts	<u>1,973,994</u>		<u>1,973,994</u>

17. FAMILY PRACTICE
RURAL HEALTH BOARD:

(a) Family Practice Rural Health Program			833,540
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SOURCE OF FUNDS:

(1) EFT	<u>833,540</u>		
Total Family Practice Rural Health Board	<u>833,540</u>		<u>833,540</u>

18. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program			4,439,410
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SOURCE OF FUNDS:

(1) ETF	3,744,723		
(2) Federal and Local Funds		<u>694,687</u>	
Total Alabama School of Fine Arts	<u>3,744,723</u>	<u>694,687</u>	<u>4,439,410</u>

19. FIREFIGHTERS' PERSONNEL STANDARDS AND
EDUCATION COMMISSION, ALABAMA/ALABAMA
STATE FIRE COLLEGE SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance	2,906,143	1,707,937	4,614,080
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Of the above appropriation,
\$50,000 shall be expended
for the Fire Safety Education Program.

(b) Auxiliary Enterprises		<u>1,102,040</u>	<u>1,102,040</u>
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SOURCE OF FUNDS:

(1) ETF	2,906,143		
(2) Federal and Other Funds		<u>2,809,977</u>	

Total Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College – Shelton State Community College.....

2,906,143 2,809,977 5,716,120

20. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program.....

2,377,948

The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance.....2,377,948

Of the above appropriation, \$150,000 shall be available for payment of State attorney fees related to Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

SOURCE OF FUNDS:

(1) ETF..... 2,377,948

Total Planning and Coordination Services Program (Total Operations).....

2,377,948 2,377,948

(b) Student Financial Aid Program.....

8,800,707

The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program.....5,700,000

To be expended in accordance with Code of Alabama 1975, Sections 16-33A-1 through 16-33A-11.

(2) Alabama National Guard Educational Assistance....800,000

To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4 and Sections 31-10-20 through 31-10-25.

(3) Teacher Education Scholarship Loan Program.....600,000

To be expended in accordance with Code of Alabama 1975, Section 16-23-24.

(4) Chiropractic Scholarships... ..37,986

To be expended in accordance with Code of Alabama 1975, Section 16-5-11.

(5) Policeman's Survivor Tuition, Estimated60,000

To be expended under the provisions of Code of Alabama 1975, Section 36-21-105.

(6) Alabama Student Assistance Program1,547,471

SOURCE OF FUNDS:

(1) ETF.....	8,145,457		
(2) ETF-Transfer	600,000		
(3) Federal and Local Funds.....		55,250	
Total Student Financial Aid Program.....	<u>8,745,457</u>	<u>55,250</u>	<u>8,800,707</u>
(c) Support of Other Educational Activities Program			2,871,117

The proposed spending plan for the ETF monies included in the above program is to be distributed through ACHE as follows:

(1) Network of Alabama Academic Libraries (NAAL)..400,000

It is the intent of the Legislature that ACHE shall provide for the participation of Athens State College in the

Network of Alabama Academic Libraries.

(2) Southern Regional Education Board (SREB)546,975

(3) EPSCoR-National Science Foundation Program.....600,000

(4) Computer-Based Articulation System..... 446,461

To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

(5) Governor's Commission on Historically Black Colleges and Universities100,000

To be expended pursuant to Executive Order No. 21.

SOURCE OF FUNDS:

(1) ETF	2,093,436		
(2) Federal and Local Funds.....		777,681	
Total Support of Other Educational Activities Program.....	2,093,436	777,681	2,871,117
(d) Alabama Guaranteed Student Loan Program			2,278,884

SOURCE OF FUNDS:

(1) Federal and Local Funds.....	2,278,884		
Total Alabama Guaranteed Student Loan Program	2,278,884		2,78,884

TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ETF	13,216,841		
(2) Federal and Local Funds.....		3,111,815	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	13,216,841	3,111,815	16,328,656

In addition to the above appropriation to the Alabama Commission on Higher Education, there is also hereby appropriated the sum of \$300,000 to be conditioned on the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

**21. HUMAN RESOURCES,
DEPARTMENT OF:**

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,194,058
(b) JOBS Child Care and After School Child Care Program.....	3,731,195

SOURCE OF FUNDS:

(1) ETF-Transfer	7,925,253	
Total Department of Human Resources.....	7,925,253	7,925,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$600,000 shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants. Of the above appropriation, \$20,000 shall be allocated to the Stillman Day Care; \$25,000 for the Essie Floyd Day Care Center; and \$50,000 shall be allocated to the McRae Learning Center; \$25,000 shall be allocated to the Circle of Care; \$60,000 to the Angel Factory Welfare-to-Work Program; and \$19,000 shall be expended for the HERO Program in Hale County.

Child care providers shall be reimbursed for child care services at their published rate for the particular category of care or at the 75th percentile of the local market rate, whichever is less. The local market rate shall be established on a biennial basis based on a representative sample of licensed child care providers.

22. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Operations and Maintenance Program	2,047,697	2,047,697
(b) Industrial Development and Training Program	12,401,273	12,401,273

SOURCE OF FUNDS:

(1) ETF	14,448,970	
Total Alabama Industrial Development Training Institute	14,448,970	14,448,970

Of the above appropriation to the Alabama Industrial Development Training Institute, \$5,000,000 shall be expended for automotive training at the Mercedes Benz Training Facility; \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$550,000 shall be expended to fund the operations of the Michelin Training Center; \$500,000 shall be expended for Training for Business and Industry at Shelton State Community College; \$300,000 shall be expended for the Minority Technology and Entrepreneurial Center at Bishop State Community

College; \$300,000 shall be expended for training displaced jobs as the result of the related Military Base Closure in Calhoun County (no portion of this appropriation shall revert but shall remain available for expenditure until the base reuse project is declared completed); \$75,000 shall be allocated for the Job Training for U.S. Gypsum at Northeast Alabama State Community College; \$50,000 shall be allocated for job training by Bevill State Community College; \$50,000 shall be allocated for woodworking training in association with Bevill State Community College; \$200,000 shall be expended for the Alabama Southern Community College for Paper/Chemical Production Training; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; and \$500,000 shall be expended by Jefferson State Community College for the International Standardization Organization (I.S.O.) Program and other workforce development programs

23. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program	51,000
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SOURCE OF FUNDS:

(1) ETF	51,000	
Total Alabama Law Institute	51,000	51,000

24. LIBRARY SERVICE,
ALABAMA PUBLIC:

(a) Public Library Service
Program..... 9,346,148

SOURCE OF FUNDS:

(1) ETF	7,846,148		
(2) Federal and Local Funds		1,500,000	
Total Alabama Public Library Service	7,846,148	1,500,000	9,346,148

Of the above appropriation, a minimum of \$4,549,347 is to be distributed to the public libraries within the state and in addition to their normal allocations, \$22,000 shall be allocated to the Madison City Library and \$43,000 shall be allocated to the Monrovia Public Library.

25. MARINE ENVIRONMEN-
TAL SCIENCES CONSOR-
TIUM:

(a) Support of Other Educa-
tional Activities Program 3,689,238

SOURCE OF FUNDS:

(1) ETF	2,788,351		
(2) Federal and Other Funds		900,887	
Total Marine Environmental Sciences Consortium	2,788,351	900,887	3,689,238

26. MATHEMATICS AND SCI-
ENCE, ALABAMA SCHOOL
OF:

(a) Mathematics and Science
Program..... 5,131,119

SOURCE OF FUNDS:

(1) ETF	5,016,619		
(2) Federal and Local Funds		114,500	
Total Alabama School of Mathe- matics and Science	5,016,619	114,500	5,131,119

27. MEDICAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program 1,216,641

SOURCE OF FUNDS:

(1) ETF	468,721		
(2) Federal and Local Funds		747,920	
Total Board of Medical Scholarship Awards	468,721	747,920	1,216,641

To be expended under the provisions of Code of Alabama 1975, Sections 16-47-121 through 16-47-129.

28. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Mental Illness Program..... 9,138,737

Of the above appropriation, \$300,000 shall be expended for Alzheimer's Disease Education and Training. Any 310 Authority duly organized before May 1, 1997 shall be recognized by the Department of Mental Health and Mental Retardation as a service provider. The Department of Mental Health and Mental Retardation shall enter into contracts with local school systems to reimburse those school systems for education and education-related services provided to children under the care of the Department of Mental Health and Mental Retardation.

(b) Mental Retardation Program 5,718,959

(c) Substance Abuse Program.. 814,979

SOURCE OF FUNDS:

(1) ETF-Transfer.....	15,672,675
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Total Department of Mental Health and Mental Retardation.....	15,672,675	15,672,675
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Of the above appropriation, \$50,000 shall be expended at the Glenwood Mental Health Wilderness Program and \$100,000 shall be expended at the Anniston Senior Day Care Program.

29. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM:

(a) Support of Other Educational Activities Program		191,000
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SOURCE OF FUNDS:

(1) ETF	191,000	
Total Montgomery Internal Medicine Residency Program	191,000	191,000

The above appropriation to the Montgomery Internal Medicine Residency Program from the ETF shall be in addition to the funds received by said program from the University of Alabama at Birmingham (UAB), and the funds allocated to the Montgomery Internal Medicine Residency Program from UAB shall not be diminished from the amount allocated in fiscal year 1996-97.

30. MUSIC HALL OF FAME, ALABAMA:

(a) Support of Other Educational Activities Program		145,800
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SOURCE OF FUNDS:

(1) ETF	145,800	
Total Alabama Music Hall of Fame	145,800	145,800

31. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		57,000
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SOURCE OF FUNDS:

(1) ETF-Transfer	57,000	
As provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.		
Total Alabama Board of Nursing ..	57,000	57,000

32. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	103,160
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SOURCE OF FUNDS:

(1) ETF	103,160	
Total Board of Optometric Scholarship Awards	103,160	103,160

To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.

33. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	405,136
(b) Certified Law Enforcement Academy Program	1,062,900

Of the above appropriation for the Certified Law Enforcement Academy Program, the \$612,900 of ETF monies included therein shall be expended as follows:

Northeast Police Academy	159,354
University of Alabama	159,354
Southwest Police Academy	159,354
Alabama Police Academy	85,806

Montgomery Police
Academy.....49,032

Total.....612,900

SOURCE OF FUNDS:

(1) ETF..... 1,018,036

(2) Alabama Peace Officers'
Standards and Training
Fund – as provided in Code
of Alabama 1975, Sections
36-21-40 through 36-21-51 450,000

Total Alabama Peace Officers'
Standards and Training
Commission..... 1,018,036 450,000 1,468,036

**34. POSTSECONDARY EDU-
CATION DEPARTMENT:**

(a) Postsecondary Two-Year
Institutions Program 3,462,802

SOURCE OF FUNDS:

(1) ETF..... 3,034,336

(2) Federal and Local Funds..... 428,466

Total Postsecondary Educa-
tion Department 3,034,336 428,466 3,462,802

**35. SICKLE CELL OVER-
SIGHT AND REGULATORY
COMMISSION, ALABAMA:**

(a) Support of Other Educa-
tional Activities Program 5,000

SOURCE OF FUNDS:

(1) ETF..... 5,000

Total Alabama Sickle Cell
Oversight and Regulatory
Commission..... 5,000 5,000

**36. SOIL AND WATER
CONSERVATION COM-
MITTEE, STATE:**

(a) Soil Conservation Program..... 21,250

SOURCE OF FUNDS:

(1) ETF..... 21,250

Total State Soil and Water Conservation Committee	21,250	21,250
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37. SPORTS HALL OF FAME, ALABAMA:

(a) Scholarship Program	200,000
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SOURCE OF FUNDS:

(1) ETF	200,000
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Total Alabama Sports Hall of Fame	200,000	200,000
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In addition to the above appropriation, \$1,000,000 shall be appropriated from the ETF for Bryant-Jordan Student Athlete Scholarships conditioned upon verification of receipt of matching funds from private sources and the availability of funds and the approval of the Governor.

38. SUPERCOMPUTER AUTHORITY, ALABAMA:

(a) Administrative Support Services Program	5,892,577
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The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer	5,100,000
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(2) Supercomputer Revolving Fund, Estimated	792,577
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Total Alabama Supercomputer Authority	5,100,000	792,577	5,892,577
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In addition to the above appropriation to the Alabama Supercomputer Authority, there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds

in the ETF, recommendation of the Finance Director, and the approval of the Governor.

39. TENURE COMMISSION, STATE:

(a) Regulation Program..... 15,000

SOURCE OF FUNDS:

(1) ETF.....	15,000	
Total State Tenure Commission	15,000	15,000

40. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program 2,734,248

(b) Student Financial Aid Program, Estimated 3,304,296

For reimbursement to every state institution of higher learning, college, university, community college, junior college or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

SOURCE OF FUNDS:

(1) ETF-Transfer	2,734,248	
(2) ETF, Estimated.....	3,304,296	
Total Department of Veterans' Affairs.....	6,038,544	6,038,544

41. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program..... 4,715,875

The above appropriation for the Financial Assistance Program includes \$4,081,615 of ETF monies. The above appropriation shall be expended by the Youth

Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Programs.....

3,693,226

Of the above appropriation, \$100,000 shall be allocated to COARMM. The remainder of the above appropriation shall be used for the support and maintenance of existing C.I.T.Y. programs in Etowah, Jefferson, Madison, Mobile, Montgomery, Tuscaloosa, Chilton, Houston and Dallas Counties. It is the intent of the Legislature that local boards of education provide facilities and/or equivalent in-kind services for the operation of C.I.T.Y. programs that accept students from their school systems. It is further the intent of the Legislature that the Director of the Department of Youth Services shall make every effort to initiate C.I.T.Y. programs in Decatur/Morgan County and in Russellville. In addition to the above appropriation, there is hereby appropriated \$100,000 for a C.I.T.Y. program in Russellville; \$100,000 to the C.I.T.Y. program in Lee County; and \$350,000 for the C.I.T.Y. program in Decatur/Morgan County all to be conditioned upon the availability of funds

in the ETF and the approval
of the Governor.

SOURCE OF FUNDS:

(1) ETF	7,774,843		
(2) Federal and Local Funds.....		634,260	
Total Department of Youth Services	7,774,843	634,260	8,409,103

SECTION 4.

**COLLEGES, UNIVERSITIES
AND SCHOOLS:**

**I. BOARD OF TRUSTEES OF
UNIVERSITY OF ALABAMA:**

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa	103,300,983	57,507,025	160,808,008
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Of the above appropriation to the University of Alabama at Tuscaloosa, \$50,000 shall be used to fund the Rural PACERS Program. In addition to the above appropriation, there is hereby appropriated \$200,000 for capital outlay at the University of Alabama/Stillman College Cooperative for the Michael Figures Museum from the ETF to be conditioned upon the availability of funds and the approval of the Governor. This conditional shall be the first priority conditional to be released in full before any other conditional appropriation from the ETF is released.

(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham	179,685,929	604,517,490	784,203,419
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Of the above appropriation to the University of Alabama at

Birmingham \$400,000 shall be used to fund the Minority Business Training-Economic Development Program. It is the intent of the Legislature that the Nuclear Magnetic Resonance Studies Program be funded in FY 1997-98 at a level that is \$100,000 greater than the level of funding received in FY 1996-97.

(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville	34,803,904	21,538,994	56,342,898
(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,298,696		4,298,696
(e) Alabama SchoolFest Program, University of Alabama	820,458		820,458
(f) Alabama Technology Network Program, University of Alabama	1,750,000		1,750,000
(g) Alabama Technology Network Program, Minority Technology Networks.....	750,000		750,000
(h) School of Optometry Fund-Transfer to University of Alabama at Birmingham School of Optometry		50,000	50,000
(i) Mobile Engineering Program.....	55,000		55,000
(j) Auxiliary Enterprises		75,602,598	75,602,598
(k) Restricted Funds.....		245,287,252	245,287,252

SOURCE OF FUNDS:

(1) ETF	325,464,970		
(2) Federal and Other Funds		1,004,503,359	
Total Board of Trustees of University of Alabama.....	325,464,970	1,004,503,359	1,329,968,329

II. BOARD OF TRUSTEES OF ALABAMA A&M UNI- VERSITY:

(a) Operations and Maintenance and Program Support	23,148,575	15,063,934	38,212,509
(b) Title VI Program Enhancement.....	570,416		570,416

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants/Faculty.....	184,420		
Instructional Support.....	385,996		
(c) Desegregation Planning.....	184,906		184,906
(d) Urban Affairs and New Non-Traditional Land Grant Programs	1,331,000		1,331,000
(e) Agricultural Research Station Fixed Costs.....	300,000		300,000
(f) Cooperative Extension, Research and Service.....	924,528		924,528

The above appropriations in (b) through (f) from the ETF are to be released and used as restricted by and in compliance with Knight v. Alabama, 900 F Supp 272.

(g) Auxiliary Enterprises	5,987,221	5,987,221
(h) Restricted Funds.....	19,118,834	19,118,834

SOURCE OF FUNDS:

(1) ETF	26,459,425		
(2) Federal and Other Funds	40,169,989		
Total Board of Trustees of Alabama A&M University.....	26,459,425	40,169,989	66,629,414

Of the above appropriation for operations and maintenance, a total of \$250,000 shall be allocated to the Black Archives Museum.

III. BOARD OF TRUSTEES OF ALABAMA A&M UNI- VERSITY:

(a) Alabama A&M University- Miles College Consortium	369,800	369,800
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SOURCE OF FUNDS:

(1) ETF	369,800	
Total Alabama A&M University- Miles College Consortium	369,800	369,800

IV. BOARD OF TRUSTEES OF ALABAMA STATE UNI- VERSITY:

(a) Operations and Mainte- nance and Program Support	23,579,087	18,790,735	42,369,822
(b) Title VI Program Enhance- ment	1,657,477		1,657,477

The proposed spending plan for
the above Title VI Program
Enhancement appropriation is
as follows:

Consultants/Faculty 462,264

Instructional Support.. 1,195,213

(c) Desegregation Planning	184,906	184,906
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The above appropriations in (b)
through (c) from the ETF are
to be released and used as
restricted by and in compli-
ance with *Knight v. Alabama*,
900 F Supp 272.

(d) Cooperative Efforts to En- hance Community Educa- tional Institutions	400,000	400,000
(e) Auxiliary Enterprises	9,945,702	9,945,702
(f) Restricted Funds	12,394,491	12,394,491

SOURCE OF FUNDS:

(1) ETF	25,821,470		
(2) Federal and Other Funds		41,130,928	
Total Board of Trustees of Alabama State University.....	25,821,470	41,130,928	66,952,398

V. STATE BOARD OF EDUCATION – ATHENS STATE COLLEGE:

(a) Operations and Maintenance and Program Support.....	7,313,690	4,880,317	12,194,007
(b) Auxiliary Enterprises		698,731	698,731
(c) Restricted Funds		1,260,656	1,260,656

SOURCE OF FUNDS:

(1) ETF	7,313,690		
(2) Federal and Other Funds		6,839,704	
Total State Board of Education-Athens State College	7,313,690	6,839,704	14,153,394

In addition to the above appropriation to Athens State College, there is hereby appropriated \$1,000,000 from the ETF to be conditioned upon the availability of funds in the ETF and the approval of the Governor. The above conditional appropriation to Athens State College shall be the third priority conditional and shall be released in full before any other conditional appropriation from the ETF may be released.

VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	174,971,211	110,761,208	285,732,419
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Of the above appropriation, \$40,000 shall be allocated to the AUM Community Outreach.

(b) Alabama Technology Network Program, Auburn University	1,750,000		1,750,000
(c) Auxiliary Enterprises.....		53,525,666	53,525,666
(d) Restricted Funds.....		68,596,863	68,596,863

SOURCE OF FUNDS:

(1) ETF	176,721,211		
(2) Federal and Other Funds		232,883,737	
Total Board of Trustees of Auburn University	176,721,211	232,883,737	409,604,948

In addition to the above appropriation to Auburn University, there is hereby appropriated \$1,000,000 to the School of Veterinary Medicine at Auburn University and \$1,000,000 for the Poultry Diagnostic Laboratory at Auburn University, to be conditioned upon the availability of funds in the ETF and the approval of the Governor

VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support ...	24,712,389	16,971,000	41,683,389
(b) Auxiliary Enterprises		3,668,450	3,668,450
(c) Restricted Funds		19,115,854	19,115,854

SOURCE OF FUNDS:

(1) ETF	24,712,389		
(2) Federal and other Funds		39,755,304	
Total Board of Trustees of Jacksonville State University	24,712,389	39,755,304	64,467,693

VIII. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

(a) Operations and Maintenance and Program Support...	13,075,681	8,871,054	21,946,735
(b) Auxiliary Enterprises		4,800,758	4,800,758
(c) Restricted Funds		2,249,888	2,249,888

SOURCE OF FUNDS:

(1) ETF	13,075,681		
(2) Federal and Other Funds		15,921,700	

Total Board of Trustees of University of Montevallo.....	13,075,681	15,921,700	28,997,381
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In addition to the above appropriation from the ETF there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

IX. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

(a) Operations and Maintenance and Program Support.....	18,381,574	12,970,788	31,352,362
(b) Economic Research and Service	50,000		50,000
(c) Auxiliary Enterprises.....		3,125,169	3,125,169
(d) Restricted Funds.....		1,208,439	1,208,439

SOURCE OF FUNDS:

(1) ETF	18,431,574		
(2) Federal and Other Funds.....		17,304,396	
Total Board of Trustees of University of North Alabama.....	18,431,574	17,304,396	35,735,970

In addition to the above appropriation from the ETF there is hereby appropriated \$850,000 for capital outlay for Floyd Hall to be conditioned upon the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

X. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALABAMA:

(a) Operations and Maintenance and Program Support	69,763,379	214,137,357	283,900,736
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(b) Auxiliary Enterprises	12,442,614	12,442,614
(c) Restricted Funds	22,200,000	22,200,000

SOURCE OF FUNDS:

(1) ETF	69,763,379		
(2) Federal and Other Funds	248,779,971		
Total Board of Trustees of University of South Alabama	69,763,379	248,779,971	318,543,350

Of the above appropriation to the University of South Alabama, \$250,000 shall be allocated to the Southwest Alabama Health Care Network.

XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support for Troy State University	19,535,045	38,051,944	57,586,989
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Of the above appropriation, \$200,000 shall be allocated for capital outlay.

(b) Operations and Maintenance and Program Support for Troy State University Dothan	4,459,328	4,982,504	9,441,832
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In addition to the above appropriation from the ETF there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

(c) Operations and Maintenance and Program Support for Troy State University Montgomery	4,348,938	4,934,229	9,283,167
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In addition to the above appropriation from the ETF there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds

in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

(d) Auxiliary Enterprises	10,095,000	10,095,000	
(e) Restricted Funds	6,369,881	6,369,881	

SOURCE OF FUNDS:

(1) ETF	28,343,311		
(2) Federal and Other Funds	64,435,558		
Total Board of Trustees of Troy State University	28,343,311	64,433,558	92,776,869

XII. BOARD OF TRUSTEES OF UNIVERSITY OF WEST ALABAMA:

(a) Operations and Maintenance and Program Support	8,074,419	5,017,951	13,092,370
(b) Auxiliary Enterprises		2,859,372	2,859,372
(c) Restricted Funds		401,857	401,857

SOURCE OF FUNDS:

(1) ETF	8,074,419		
(2) Federal and Other Funds		8,279,180	
Total Board of Trustees of University of West Alabama	8,074,419	8,279,180	16,353,599

In addition to the above appropriation from the ETF there is hereby appropriated \$1,000,000 to be conditioned upon the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor.

XIII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) Adult Programs	5,844,902	4,944,107	10,789,009
(b) Children and Youth Programs ..	17,965,559	2,239,307	20,204,866
(c) Industries for the Blind	5,130,165	9,219,553	14,349,718

SOURCE OF FUNDS:

(1) ETF	28,940,626		
(2) Federal and Other Funds		16,402,967	
Total Board of Trustees of Alabama Institute for Deaf and Blind	28,940,626	16,402,967	45,343,593

XIV. KNIGHT V. ALABAMA – FINANCIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated	4,918,376
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SOURCE OF FUNDS:

(1) ETF	4,918,376	
Total Knight v. Alabama	4,918,376	4,918,376

To be allocated and expended in accordance with the 1995 Remedial Decree in Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

SECTION 5. There is hereby appropriated the following amounts to the following institutions, to be expended to offset the cost of providing salary increases for faculty and staff granted for the 1997-98 fiscal year, to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor:

(a) University of Alabama System

University of Alabama at Tuscaloosa	\$1,027,278
University of Alabama at Birmingham	\$1,786,890
University of Alabama in Huntsville	\$344,865
b. Alabama A&M University	\$263,126
c. Alabama State University	\$254,296
d. Athens State College	\$72,731
e. Auburn University System	\$1,739,606
f. Jacksonville State University ...	\$245,753
g. University of Montevallo	\$129,236
h. University of North Alabama...	\$182,796

i. University of South Alabama ..	\$691,277
j. Troy State University System	
Troy State University-Troy	\$192,278
Troy State University-Dothan.....	\$41,363
Troy State University-Montgomery	\$43,248
k. University of West Alabama ..	\$80,296
l. State Board of Education- Two-Year College System	\$1,858,476
m. State Board of Education- Prison Education.....	\$83,208
n. Firefighters Personnel Stand- ards and Education Commis- sion/Alabama Fire College- Shelton State Community College.....	\$28,361
o. Alabama Institute for Deaf and Blind.....	\$271,346
p. Department of Finance- Telecommunications Division, Telephone Revolving Fund	\$3,458,333

The above appropriation is conditioned on the availability of funds in the ETF, the recommendation of the Director of Finance and the approval of the Governor. This conditional appropriation shall be the second priority conditional and shall be released in full before any other conditional appropriation from the ETF is released.

SECTION 6. The Legislature by its passage of Act 95-314 requires the phase out of hold harmless funds to be completed in FY 1999 in scheduled increments over a four-year period. The State Department of Education may exclude 2% of the amount of the FY 1997 4% pay raise from the calculation of the hold harmless amount to be distributed from the Public School Fund. Any local board of education receiving hold harmless funds may use part or all of its capital outlay allowances for the additional costs of any salary increase mandated by the Legislature in FY 1997 and not covered by an adjustment to the hold harmless allowance.

SECTION 7. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 8. The State Superintendent of Education shall make requisitions to the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made to the State Comptroller in the manner now provided by law.

SECTION 9. No funds provided herein for the public schools shall be used for the payment of any salaries of personnel which are not under the direct control, employment, and supervision of local boards of education; provided, however, that this section shall not apply to the construction, renovation, or mayor repair of buildings or other capital improvements which are beyond the capacity of regular employees to perform.

SECTION 10. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate

accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 11. All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully-funded from the Foundation Program Fund in this Act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this Act from Other Current Expense and not from funds generated by the Child Nutrition Program.

SECTION 12. (a) Funds appropriated from the ETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency or postsecondary institution of higher education funded from the ETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act, except for funds appropriated to entities excluded in subsection (a) of this section, shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, department, or agency receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, department, or agency receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 13. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1998. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriation act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 14. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 15. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for the court-ordered payments.

SECTION 16. It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance.

SECTION 17. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall

not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 18. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 19. This Act shall become effective on October 1, 1997.

Approved September 11, 1997

Time: 11:05 A.M.

Act No. 97-857

H. 14 – Reps. Starkey, Hamilton

AN ACT

To alter and rearrange the boundary lines and corporate limits of the City of Florence and the City of St. Florian in Lauderdale County to remove certain property from the corporate limits of the City of St. Florian and add the property to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of St. Florian and the City of Florence in Lauderdale County are altered and rearranged to remove from the corporate limits of the City of St. Florian all of the following territory and to add the territory to the City of Florence:

Tract I

A part of Sections 19 and 30, Township 2 South, Range 10 West, Lauderdale County, Alabama, and being more particularly described as follows: To find the point of beginning, commence at an existing cotton spindle in the centerline of paved County Road No. 61 (Middle Road) said point being the NE corner of said Section 30; thence S 89 degrees 50'55" W 149.00 feet to the point of beginning; thence S 00 degrees 04'49" E for 2464.83 feet; thence N 88 degrees 57'48" W 312.67 feet; thence S 00 degrees 30'45" W 186.66 feet to an existing iron pin at a fence corner; thence S 01 degree 07'02" W 423.27 feet to a point in the centerline of a ditch; thence N 89 degrees 52'51" W generally along the centerline of said ditch 848.31 feet; thence leaving the centerline of said ditch S 00 degrees 19'41" E 10 feet to an existing 10" cedar corner fence post; thence along an existing wire fence the following bearings

and distances: N 88 degrees 53'10" W 56.29 feet, S 88 degrees 57'50" W 323.43 feet, S 88 degrees 58'04" W 104.34 feet, N 88 degrees 52'41" W 85.70 feet, S 82 degrees 52'48" W 32.76 feet to an iron pin, S 89 degrees 05'28" W 58.59 feet, N 87 degrees 56'58" W 108.27 feet, N 88 degrees 36'29" W 138.90 feet, N 87 degrees 10'01" W 106.93 feet, N 88 degrees 05'30" W 102.01 feet, N 75 degrees 39'48" W 20.10 feet; S 88 degrees 15'08" W, 55.06; thence along a fence line the following bearings and distances; N 5 degrees 21'38" W 141.96 feet, N 4 degrees 58'07" W 566.77 feet to a fence corner, N 60 degrees 02'53" W 134.77 feet to a fence corner, N 7 degrees 26'36" W 139.46 feet, N 3 degrees 31'37" E 503.98 feet to an iron pin set at the end of said fence line; thence N 77 degrees 17'00" E 23.16 feet to an iron pin set on the extension of the centerline of an old road bed; thence N 2 degrees 04'06" E and along the centerline of said old road bed 799.15 feet to the intersection of an existing gravel drive; thence along said centerline of said gravel drive the following bearings and distances: N 1 degree 05'10" E 279.19 feet, N 1 degree 48'52" E 58.18 feet, N 3 degrees 37'26" E 46.20 feet, N 0 degrees 05'42" E, 46.11 feet, N 6 degrees 35'50" W 40.79 feet, N 24 degrees 26'54" W, 72.28 feet, N 37 degrees 01'22" W 106.80 feet, N 35 degrees 16'43" W 345.56 feet, N 44 degrees 39'08" W 32.94 feet, N 65 degrees 31'58" W 14.05 feet, N 79 degrees 58'47" W 30.39 feet, N 88 degrees 21'56" W 846.76 feet N 86 degrees 03'35" W 173.16 feet, N 78 degrees 41'38" W 52.25 feet, N 63 degrees 41'48" W 45.88 feet, N 53 degrees 26'54" W 52.97 feet to an iron pin set on the Southeastwardly right of way of paved County Road No. 47, thence N 32 degrees 32'43" E and along said right of way 1551.04 feet to an existing iron pin; thence leaving said right of way N 89 degrees 30'05" and along an existing fence line 1899.66 feet; thence generally along an existing fence line the following bearings and distances: S 04 degrees 21 minutes 42 seconds E 57.83 feet, S 14 degrees 22'02" E 166.10 feet to a fence corner, thence N 88 degrees 52'20" E 1025.28 feet, thence S 01 degree 32'00" E 930.41 feet; thence N 75 degrees 28'13" E 152.28 feet; thence S 1 degree 04'11" E 146.13 feet; thence S 0 degrees 09'09" E 277.45 feet to the point of beginning.

Tract II

A tract of land in Section 19, Township 2 South, Range 10 West, Lauderdale County, Alabama, being more particularly described as follows, to-wit: Commence at the Southeast corner of said Section 19; thence South 89 degrees 50 minutes 55 seconds West for 149.00 feet to the point of beginning; thence continue South 89 degrees 50 minutes 55 seconds West for 1171.00 feet; thence North 00 degrees 00 minutes 48 seconds West for 1102.79 feet; thence North 06 degrees 36 minutes 49 seconds West for 32.40 feet;

thence North 08 degrees 54 minutes 38 seconds West for 110.48 feet; thence North 09 degrees 10 minutes 17 seconds West for 54.93 feet; thence North 88 degrees 52 minutes 20 seconds East for 1025.28 feet; thence South 01 degree 32 minutes 00 seconds East for 930.41 feet; thence North 75 degrees 28 minutes 13 seconds East for 152.28 feet; thence South 01 degree 04 minutes 11 seconds East for 146.13 feet; thence South 00 degrees 09 minutes 09 seconds East for 277.45 feet to the point of beginning. Said tract contains 31.81 acres, more or less.

Tract III

A tract of land in Section 30, Township 2 South, Range 10 West, Lauderdale County, Alabama, being more particularly described as follows, to-wit: Begin at the Northeast corner of said Section 30; thence South 00 degrees 00 minutes 48 seconds East for 1320.05 feet; thence South 89 degrees 59 minutes 12 seconds West for 150.00 feet; thence North 00 degrees 00 minutes 48 seconds West for 1319.82 feet; thence North 89 degrees 55 minutes 02 seconds East for 150.00 feet to the point of beginning. Said tract contains 4.55 acres, more or less.

Section 2. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the City of St. Florian and added to the City of Florence is on file and open to public inspection in the office of the Judge of Probate in Lauderdale County, Alabama.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:15 P.M.

Act No. 97-858

H. 15 – Rep. Thomas (D)

AN ACT

Relating to the City of Pell City, Alabama in St. Clair County; to amend Section 4 of Act 92-248, H. 552, 1992 Regular Session, as last amended by Act 93-384, H. 822, 1993 Regular Session (Acts 1993, p. 659), and to amend Section 6 of Act 92-248, H. 552, 1992 Regular Session (Acts 1992, p. 602), to provide further for the election and terms of the members of the city board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act 92-248, H. 552, 1992 Regular Session as last amended by Act 93-384, H. 822, 1993 Regular Session (Acts 1993, p. 659), is amended further to read as follows:

“Section 4. (a) The elected school board members shall serve four year terms, and the elections for the members shall be held on the fourth Tuesday in August.

“(b) The initial election of the school board members from Districts 2 and 4 shall be held on August 25, 1998, and the board members so elected from those districts shall serve until August 22, 2000, at which time they shall stand for election and quadrennially thereafter.

“(c) The initial election of the board members from Districts 1, 3, and 5 shall be held on August 22, 2000, and quadrennially thereafter.

“(d) Board members elected at regular elections shall assume the duties of their respective offices on the first Monday in October following their election and shall serve until their successors are elected and qualified.

“(e) At its initial meeting following the 1998 election and annually thereafter, the board, by majority vote, shall elect from its membership a chairperson to serve for one year.”

Section 2. Section 6 of Act 92-248, H. 552, 1992 Regular Session (Acts 1992, p. 602) is amended to read as follows:

“Section 6. In the event no candidate receives a majority of all of the votes cast for any one or more positions on the school board a second or runoff election shall be held on the third Tuesday next thereafter following the regular election as provided in subsection (d) of Section 11-46-55, Code of Alabama 1975. The candidate receiving the most votes in the runoff election shall be declared as elected. In the event of a tie vote between the runoff candidates, the tie shall be decided by a majority vote of the city council at a special meeting called for such purpose by the presiding officer of the council.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved September 11, 1997

Time: 3:16 P.M.

Act No. 97-859

H. 41 – Rep. Newton (C)

AN ACT

Relating to Crenshaw County; amending Section 19 of Act 96-604, H. 835 of the 1996 Regular Session (Acts 1996, p. 947), relating to the distribution of certain taxes, to provide further for the direct distribution of the tax payable to the Crenshaw County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 19 of Act 96-604, H. 835 of the 1996 Regular Session (Acts 1996, p. 947), is amended to read as follows:

“(a) The State Department of Revenue shall charge Crenshaw County for collecting the special county tax levied under this act an amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the Crenshaw County Commission, but the charge shall not, in any event, exceed 10 percent of the total amount of the special county tax collected in county under this act. The charge for collecting the special tax may be deducted each month from the gross revenues from the special tax before certification of the amount of the proceeds due Crenshaw County for that month. The Commissioner of Revenue shall pay into the State Treasury all tax collected under this act, as such tax is received by the Department of Revenue, and on or before the first day of each successive month, commencing with the month following the month in which the department makes the first collection hereunder, the commissioner shall certify to the State Comptroller the amount of tax collected under the provisions of this act and paid into the State Treasury for the benefit of Crenshaw County during the month immediately preceding such certification. Provided, however, that before certifying the amount of the tax collected and paid, the commissioner may deduct from the tax collected in the month the charge due to the department for the collection of the tax for the county. The comptroller shall issue warrants each month a’s provided by law. The commissioner shall then distribute the remaining balance as follows:

(1) Fifty percent of the net remaining proceeds shall be distributed to the Crenshaw County Commission for capital improvements and other capital outlay expenditures, road improvements, and the remediation of designated environmental issues.

(2) Fifty percent of the net remaining proceeds shall be distributed directly to the Crenshaw County Board of Education for capital improvement of the facilities, other capital outlay expenses, development of technology programs, and instructional support.

“(b) The sales and use tax levied by this act shall not be used to support any salary increases of the members of organizations benefiting from the proceeds of the tax.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:17 P.M.

Act No. 97-860

H. 52 – Reps. Fuller, Curry, Turnham, Kennedy, McMillan, Penry, Hill, Morrison, Dolbare, Gaston, Clouse, Knight (A), Allen, Newton (D), Dean, Gipson, Morrow, White, Crigler, Boyd, Hamilton, Hooper, Hogan, Laird, Maull, Burke, Spratt, McAdory, McClammy, Townsend, Black (M), Holmes, Jackson, Thomas (J), Parker (T), Rogers (J)

AN ACT

To make an appropriation from the Education Trust Fund in the State Treasury to the Alabama Sports Festival, in the amount of \$75,000 for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$75,000 is appropriated from the Education Trust Fund in the State Treasury to the Alabama Sports Festival for the fiscal year ending September 30, 1998.

Section 2. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1997

Time: 3:18 P.M.

Act No. 97-861

H. 179 – Rep. Turnham

AN ACT

Relating to Lee County; to provide for the establishment of a consolidated and unified system for assessing and collecting taxes under the supervision of an elected county official designated as county revenue commissioner; to abolish the offices of tax assessor and tax collector; to establish a one-stop motor vehicle registration, assessment, and

licensing system in the office of the county revenue commissioner to process motor vehicle title and license applications, transfers, and renewals; to provide for assessment and collection of motor vehicle ad valorem taxes; to provide for authority to collect and remit license fees, taxes, and monies due to the state and county; to provide for the collection of sale taxes on used motor vehicles sold by nondealers; to provide for the optional mail order processing of license renewals and issuance with accompanying mail fees; to provide for transferring all of the duties, responsibilities, and enforcement of motor vehicle licensing, ad valorem tax assessment and collection, as well as enforcement otherwise under authority of a tax assessor, tax collector, license inspector, and judge of probate to the county revenue commissioner; and to provide that this act shall become operative upon referendum approval.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective October 1, 2003, or upon occurrence of a vacancy in either the office of tax assessor or tax collector, there shall be a county revenue commissioner in Lee County. A commissioner shall be elected at the general election in 2002, and at the general election every six years thereafter, who shall serve for a term of six years beginning on the first day of October after his or her election, and until his or her successor is elected and has qualified.

Section 2. The county revenue commissioner shall perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for taxation, the collection of taxes, the keeping of records, and the making of reports concerning the assessment and collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall appoint and fix the duties of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his or her office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner. The compensation for any deputies, clerks, and assistants shall be fixed by the county commission and shall be paid out of the general fund of the county in the same manner as the salaries of other county employees are paid.

Section 4. Before entering the duties of his or her office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama of 1901, and execute a bond in a sum as may be fixed by Section 40-5-3, Code of Alabama 1975, for tax collectors. The bond shall be conditioned as other official bonds are conditioned and shall be approved and filed with the judge of probate. The cost of the bond required shall be paid out of the general fund of the county on warrant of the county commission, and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner, and his or her

deputies, clerks, and assistants, and shall provide all stationery, equipment, and office supplies needed for the efficient performance of the duties of the office and not otherwise furnished by law by the Department of Revenue, the Department of Finance, or the State Comptroller.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions, and other allowances which the tax assessor or tax collector of the county is authorized and directed to charge or collect for the performance of any duty imposed on the county revenue commissioner. As compensation for the performance of the duties of his or her office, the county revenue commissioner shall receive an annual salary as determined by the county commission, payable in equal monthly installments out of the general fund of the county.

Section 7. (a) The offices of tax assessor and tax collector are abolished effective the first day of October 2003, or upon the occurrence of a vacancy in the office of tax assessor or tax collector. In the event that the office of tax assessor or tax collector becomes vacant before October 1, 2003, the office of county revenue commissioner shall immediately come into being, and the remaining officer, tax assessor or tax collector, as the case may be, shall immediately assume the duties of the office of county revenue commissioner and shall perform the duties until a county revenue commissioner has been elected as provided by this act.

(b) All personnel employed in the office of tax assessor or tax collector at the time the office of county revenue commissioner comes into being shall be absorbed into the staff of the office of county revenue commissioner. Any position held by one of these employees may not be eliminated until the employee either retires or the position otherwise becomes vacant.

Section 8. (a) Upon the commencement of the office of county revenue commissioner, there shall be a one-stop motor vehicle registration, assessment, and licensing system under the jurisdiction, direction, and supervision of the county revenue commissioner.

(b) The duties and responsibilities of the county revenue commissioner relating to the assessment, licensing, and registration of motor vehicles shall include the administration and enforcement of motor vehicle title registration, processing, and transfer; motor vehicle ad valorem tax assessment and collection; motor vehicle license and license tag issuance; collection of any fees or monies due and remitting the proper amounts due to the state and to the county; enforcement of laws relating to these functions; and the

collection of penalties and assessments imposed for violations of laws relating to these functions. The county revenue commissioner shall be responsible for all local motor vehicle license issuance and taxation duties and responsibilities pertaining to Lee County by law, including without limitation: Title 40, Chapter 12, Article 5 of the Code of Alabama 1975; Title 32, Chapter 6, Article 2 of the Code of Alabama 1975; Title 32, Chapter 8 of the Code of Alabama 1975; and Title 40, Chapter 23, Article 3 of the Code of Alabama 1975; as the laws may be amended and superseded from time to time.

(c) The county revenue commissioner may mail-order process the renewal, issuance, and distribution of license tags and may collect a mail fee charge in an amount which the county commission shall determine from time to time to be appropriate in order to cover the overhead and expenses of mail renewal, issuance, and distribution. The mail order procedure authorized by this subsection for the payment of ad valorem taxes and motor vehicle license taxes and the issuance of license tags is optional, additional, and alternative to the procedures now provided by law. Any owner of a motor vehicle shall continue to have the right to pay taxes and to receive the tag in person without the payment of the additional fee for mail processing.

(d) All duties required by law of the license inspector and judge of probate, with reference to the licensing, assessment, and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles, shall be performed and exercised by the county revenue commissioner and the license inspector and the judge of probate are relieved of all duties and responsibilities in connection with the licensing, assessment, and collection of ad valorem taxes on automobiles, trucks, or other motor vehicles. The Department of Revenue shall furnish the county revenue commissioner with all forms and materials necessary for the licensing, assessment, and collection of the taxes.

(e) The county revenue commissioner shall collect the same fees, charges, penalties, and commissions fixed by law to be paid to a license inspector, tax assessor, tax collector, or judge of probate for the licensing, assessment, and collection of state and county ad valorem taxes on motor vehicles. The fees, charges, penalties, and commissions collected by the county revenue commissioner shall be paid into the general fund of the county.

Section 9. The provisions of this act shall become operative in Lee County, only if approved by a majority of the qualified electors of the county who vote in a referendum election to be held at the general election in 2000. Notice of the election shall be given

by the judge of probate, which notice shall be published one a week for three successive weeks before the day of the election, and the election shall be held, conducted, and the results canvassed in the manner as other county elections. The election may be held pursuant to the provisions of this act at which time the question shall be submitted substantially as follows:

“Shall the Offices of Tax Assessor and Tax Collector of Lee County be abolished and the duties of these officers be consolidated into one office to be known as the County Revenue Commissioner? Yes ____ No ____.”

If a majority of the votes cast at the election are “Yes” votes, this act shall become effective as provided. If a majority of the votes cast at the election are “No” votes, this act shall have no further effect.

The county shall pay any costs and expenses not otherwise reimbursed by a governmental agency which are incidental to the election. The judge of probate shall certify the results of the election to the Secretary of State.

Section 10. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:19 P.M.

Act No. 97-862

H. 154 – Rep. Carter

AN ACT

Relating to Limestone County; to authorize the county board of education to provide for the substitution of other books or texts for the textbooks on the list of state-approved or state-adopted textbooks for use in the schools of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Limestone County, the county board of education, upon recommendation of the county superintendent of education, may substitute other books or texts for use in the county schools under its jurisdiction for the textbooks on the list of state-approved or state-adopted textbooks prescribed by the State Board of Education. Whenever books or texts are substituted for the state-approved or state-adopted textbooks, the books or texts shall be used by the teachers in the county school system in teaching any course or courses for which a substitution has been made.

The textbook shall be paid for with state funds in the same manner as textbooks are paid for in other local school systems which have substituted textbooks for local use.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:20 P.M.

Act No. 97-863

H. 114 – Rep. Letson

AN ACT

Relating to Lawrence County; authorizing the Lawrence County Commission to pay an additional expense allowance for election officials and returning officers.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In Lawrence County, the Lawrence County Commission may pay election officials who work at polling places an additional per diem allowance that together with the amount of compensation paid by the state equals up to sixty-five dollars (\$65) for each day they work at the polls. The Lawrence County Commission may pay the returning officers an additional per diem allowance that together with the amount of compensation paid by the state equals up to seventy-five dollars (\$75) for each day they work at the polls.

(b) In addition, the Lawrence County Commission may pay the officials and officers a mileage allowance up to the same rate as the mileage allowance allowed state employees.

(c) The expense allowances provided for in this act shall be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:21 P.M.

Act No. 97-864

H. 107 – Reps. Houston, Newton (D),
McAdory, Townsend,
Rogers (J), Perdue,
Hilliard, Jackson

AN ACT

Relating to Jefferson County; authorizing the sheriff to operate a jail store for inmates; providing for the deposit, distribution, and audit of the profits; and confirming and ratifying certain prior actions on expenditures for law enforcement purposes; providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Jefferson County is authorized to operate a jail store for inmates within the confines of the Jefferson County Detention Facility and Annexes. The jail store shall be operated to serve the needs of the county jail population.

Section 2. All monies collected under Section 1 of this act shall be deposited by the Sheriff of Jefferson County or the appointed agent of the sheriff in any bank located in Jefferson County selected by the sheriff into a fund known as the "Sheriff's Commissary Fund."

Section 3. The Sheriff's Commissary Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Jefferson County or the appointed agent of the sheriff and shall be used for the betterment of law enforcement or in the interest thereof or in the public's interest in the discharge of the office of the sheriff, as the sheriff sees fit.

Section 4. All monies collected, if any, as outlined in Section 1 of this act prior to the effective date of this act shall be transferred into the Sheriff's Commissary Fund created by Section 2 of this act.

Section 5. Any funds spent for the betterment of law enforcement or in the interest thereof accruing from any jail store operated by the former or present Sheriff of Jefferson County prior to the effective date of this act are ratified and confirmed as legal expenditures and, if necessary to carry out the purposes of this section, seven thousand one hundred dollars (\$7,100) is hereby appropriated from the monies transferred under Section 4 of this act to the Sheriff of Jefferson County.

Section 6. The establishment of the Sheriff's Commissary Fund and the use of the funds shall in no way diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 7. The State Examiners of Public Accounts is authorized to audit the monies annually and submit a copy of the audit to the sheriff within 30 days of its completion.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1997

Time: 3:22 P.M.

Act No. 97-865

H. 56 – Reps. McMillan, Penry, White

AN ACT

To further provide for the police jurisdiction between the City of Gulf Shores and the City of Foley in Baldwin County.

Be It Enacted by the Legislature of Alabama:

Section 1. The police jurisdiction boundary between the City of Gulf Shores and the City of Foley is fixed along the line lying in Baldwin County, Alabama described as follows:

Begin at the point of confluence of the midline of Bon Secour River with Mobile Bay; thence northeasterly along the midline of Bon Secour River to the point of intersection of the midline of Bon Secour River with the midline of Boggy Branch; thence easterly along the midline of Boggy Branch to the point of intersection of the midline of Boggy Branch with the west line of the Northwest Quarter of the Southeast Quarter of Section 20, Township 8 South, Range 4 East; thence southerly along the west line of said Northwest Quarter of the Southeast Quarter to the southwest corner of said Northwest Quarter of the Southeast Quarter; thence easterly along the north line of the South Half of the Southeast Quarter of Section 20, Township 8 South, Range 4 East to the point of intersection with the west right-of-way line of Alabama Highway 59; thence northerly along said west right-of-way line to a point that is twelve (12) feet south of the south right-of-way line of South Baldwin County Road 10 (Bon Secour Road); thence easterly along the extension of a line that is parallel to and twelve feet

south of the south right-of-way line of South Baldwin County Road 10 (Bon Secour Road) to a point 326.79 feet west of the east line of the Northwest Quarter of the Southwest Quarter of Section 21, Township 8 South, Range 4, East, thence northerly to a point of intersection with the north line of the South Half of said Section 21; thence easterly along the north line of the South Half of Section 21, Township 8 South, Range 4 East; thence easterly along the north line of the South Half of Section 22, Township 8 South, Range 4 East; thence easterly along the north line of the South Half of Section 23, Township 8 South, Range 4 East; thence easterly along the north line of the South Half of Section 24, Township 8 South, Range 4 East; thence easterly along the north line of the South Half of Section 19, Township 8 South, Range 5 East to the point of intersection with the shore of Wolf Bay.

Section 2. The City of Gulf Shores shall not have or exercise police jurisdiction north of the police jurisdiction boundary defined in Section 1 of this act. Specifically, but without limitation, the City of Gulf Shores shall not have or exercise any police jurisdiction powers or authority, general police powers or authority, or taxing powers or authority north of the police jurisdiction boundary and shall not levy, fix, or collect any license, fee, or tax of any kind on or for the exercise of any business, trade, or profession done north of the police jurisdiction boundary.

Section 3. The City of Foley shall not have or exercise police jurisdiction south of the police jurisdiction boundary defined in Section 1 of this act. Specifically, but without limitation, the City of Foley shall not have or exercise any police jurisdiction powers or authority, general police powers or authority, or taxing powers or authority south of the police jurisdiction boundary and shall not levy, fix, or collect any license, fee, or tax of any kind on or for the exercise of any business, trade, or profession done south of the police jurisdiction boundary.

Section 4. The provision of this act shall not be affected by any annexations or deannexations by the City of Gulf Shores or the City of Foley occurring after the effective date of this act or by any increase or decrease in population in the City of Gulf Shores or the City of Foley occurring after the effective date of this act. Nothing in this act shall be construed to alter, amend, or diminish the authority of law enforcement officers of the City of Gulf Shores and the City of Foley to make arrests or take other enforcement actions anywhere in Baldwin County as otherwise authorized or allowed by the laws of this state.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:23 P.M.

Act No. 97-866

H. 50 – Reps. Rogers (M), Sims

AN ACT

Relating to the City of Anniston, Calhoun County, to amend further Section 5 of Act 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act 93-552, 1993 Regular Session (Acts 1993, p. 907), to provide for the employment of investment counselors and agents to invest and manage portions of the policemen's and firemen's retirement fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act 79-157, 1979 Regular Session, as amended, is amended further to read as follows:

“Section 5. The board shall be the trustee of the fund and shall have exclusive management and control of the fund. It may adopt and enforce necessary rules and regulations to carry out the purposes of this act and enable it to properly manage and administer the fund, including employing investment counselors and agents to invest and manage portions of the fund as the board may direct. When the actuary certifies that the necessary funds are available, the board may increase the benefits provided in Sections 12 and 13 by passing a resolution which declares that the monthly benefit paid to each retiree, surviving spouse, or other beneficiary of the retiree shall be increased by a certain amount of money as determined by the actuary and multiplied by the number of years of active service credited to the retiree on the date of retirement.

“The board shall hear and decide all applications for pensions and benefits under this act and its decisions shall be final except as hereinafter provided. The board shall meet upon the call of the chair, but in no event, less than once in each calendar quarter. The chair shall call a meeting of the board within 10 days after the receipt of a claim or complaint.

“The board may employ the services of an actuary to advise the board on all actuarial matters pertaining to the fund. The actuary shall possess the following as minimum qualifications:

“(a) He or she shall be an enrolled actuary under the provisions of the Employee Retirement Income Society Act of 1974.

“(b) The actuary shall be a Fellow of the Society of Actuaries or employed by an actuarial firm which employs a Fellow of the Society of Actuaries.

“In addition to all other duties which he or she may be called upon to perform, the actuary shall periodically advise the board, in writing, as to the amount, if any, by which the benefits allowed by Sections 12 and 13 may be increased without affecting the actuarial soundness of the fund. The actuary’s opinion of the increases shall be binding and the board shall forthwith increase benefits in accordance with this act.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 11, 1997

Time: 3:24 P.M.

Act No. 97-867

H. 16 – Rep. Curry

AN ACT

To amend Sections 40-21-83, 40-21-103, 40-21-122, 40-23-1, and 40-23-60 of the Code of Alabama 1975, as amended by Act 97-648 of the 1997 Regular Session (Acts 1997, p. 1201); relating to state sales, use, and utility taxes; to define the sale of prepaid telephone calling cards or prepaid authorization numbers, or both, as sales of tangible personal property for state sales and use tax purposes; and to exclude gross receipts from the usage of prepaid telephone calling cards from the gross receipts or gross sales of a utility for state utility tax purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-21-83, Code of Alabama 1975 is amended to read as follows:

“§40-21-83.

“There are specifically excluded from the gross receipts or gross sales of a utility, all revenues derived from any of the following:

“(1) The furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the State of Alabama.

“(2) The furnishing of utility services which are otherwise taxed under Sections 40-23-1 to 40-23-36, inclusive.

“(3) Wholesale sales.

“(4) The furnishing of electricity, natural gas, or domestic water for use or consumption by in or for the direct production, generation, processing, storage, delivery, or transmission of electricity, natural gas, or domestic water.

“(5) The furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process.

“(6) The furnishing of natural gas to a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy.

“(7) The furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of the converted raw materials in an electrolytic or electrothermal manufacturing or compounding process.

“(8) The use or consumption of electricity by an incorporated municipality, a board, or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic-control systems; the use or consumption of telephone services by an incorporated municipality in providing fire alarm systems; and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions, or conflagrations.

“(9) The furnishing of natural gas or electricity for use or consumption as fuel or energy in and for the heating of poultry houses.

“(10) The furnishing of utility services through the use of a prepaid telephone calling card.”

Section 2. Section 40-21-103, Code of Alabama 1975 is amended to read as follows:

“§40-21-103.

“The storage, use, or other consumption of utility services in the State of Alabama is hereby specifically excluded from the tax herein levied:

“(1) Whenever the State of Alabama is prohibited from taxing such storage, use, or consumption under the Constitution or laws of the United States of America or the Constitution of the State of Alabama;

“(2) Whenever any tax relating to the sale, use, storage, or consumption of said utility services shall be levied under the provisions

of Article 2 of Chapter 23 of this title, or under the provisions of Sections 40-23-1 through 40-23-36 or the Alabama Transaction Tax Act of 1992 if enacted into law;

“(3) Whenever the purchase of said utility services shall have been at a wholesale sale;

“(4) Whenever electricity, natural gas, or domestic water shall have been used or consumed directly in or for the production, generation, processing, storage, delivery, or transmission of electricity, natural gas, or domestic water;

“(5) Whenever electricity purchased for storage, use, or other consumption is used or consumed by a manufacturer or compounder in an electrolytic or electrothermal manufacturing or compounding process;

“(6) Whenever natural gas purchased for storage, use, or other consumption is used or consumed by a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

“(7) Whenever natural gas purchased for storage, use, or other consumption is used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process;

“(8) Whenever the sales price of said utility services shall be included as a part of the gross receipts or gross sales of a utility subject to the utility gross receipts tax for the purpose of calculating the utility gross receipts tax payable by said utility;

“(9) Whenever electricity purchased for storage, use, or other consumption is used or consumed in a process for the isotopic enrichment of uranium and when said electricity is purchased from a subsidiary corporation of the corporation engaged in the isotopic enrichment of uranium; and

“(10) Whenever utility services are furnished through the use of a prepaid telephone calling card.”

Section 3. Section 40-21-122 of the Code of Alabama 1975 is amended to read as follows:

“§40-21-122.

“There are hereby specifically excluded from the gross receipts or gross sales of a cellular provider, upon which the tax herein levied is calculated, all portions thereof derived from the following:

“(1) The furnishings of cellular services which the State of Alabama is prohibited from taxing under the Constitution or laws

of the United States of America or the Constitution of the State of Alabama;

“(2) The furnishing of cellular services which are otherwise taxed under the provisions of Sections 40-23-1 through 40-23-36; and

“(3) Wholesale sales. (Acts 1990, No. 90-97, p.104, §2(c).)

“(4) The furnishing of Cellular Radio Telecommunications Service through the use of a prepaid telephone calling card, a prepaid authorization number, or both.

Section 4. Section 40-23-1 of the Code of Alabama 1975, as amended by Act 97-648 of the 1997 Regular Session (Acts 1997, p. 1201), is amended to read as follows:

“§40-23-1.

“(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

“(1) **PERSON or COMPANY.** Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee, or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) **DEPARTMENT.** The Department of Revenue of the State of Alabama.

“(3) **COMMISSIONER.** The Commissioner of Revenue of the State of Alabama.

“(4) **TAX YEAR or TAXABLE YEAR.** The calendar year.

“(5) **SALE or SALES.** Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller's agent to the purchaser or purchaser's agent, and for the purpose of determining transfer of title, a common carrier or the U. S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage, or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage, or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

"(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included within the sales price of the property sold, or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and "gross proceeds of sales" shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. The term "gross proceeds of sale" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same. In the case of the retail sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined herein, or in connection with satellite television services, at a price below cost, "gross proceeds of sale" shall only include the stated sales price thereof and shall not include any sales commission or rebate received by the seller as a result of the sale. As used herein, the term "commercial mobile services" shall have the same meaning as that term has in 47 U.S.C. Sections 153(n) and 332(d), as in effect from time to time.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold,

the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included in the sales price of the property sold, or any other expenses whatsoever and without any deductions on account of losses. The term "gross receipts" shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with a business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from business or stock and so used or consumed and with respect to which property the tax has been paid because of previous withdrawal, use, or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (9) and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same.

"(9) WHOLESALE SALE or SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

"b. A sale of tangible personal property or products, including iron ore, and including the furnished container and label of such property or products, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which the manufacturer or compounder manufactures or compounds for sale, whether or not such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however, that it is the intent of this section that no sale of capital equipment, machinery, tools, or product shall be included in the term "wholesale sale." The term "capital equipment, machinery, tools, or product" shall mean property that is subject to depreciation allowances for Alabama income tax purposes.

"c. A sale of containers intended for one-time use only, and the labels thereof, when containers are sold without contents to persons who sell or furnish containers along with the contents placed therein for sale by persons.

"d. A sale of pallets intended for one-time use only when pallets are sold without contents to persons who sell or furnish pallets along with the contents placed thereon for sale by persons.

"e. A sale to a manufacturer or compounder, of crowns, caps, and tops intended for one-time use employed and used upon the containers in which a manufacturer or compounder markets his products.

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where containers are used for the delivery of chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of eggs even though containers used for delivery of baby chicks or eggs may be recovered for reuse.

"g. A sale of bagging and ties used in preparing cotton for market.

"h. A sale to meat packers, manufacturers, compounders, or processors of meat products of all casings used in molding or forming wieners and Vienna sausages even though casings may be recovered for reuse.

"i. A sale of commercial fish feed including concentrates, supplements, and other feed ingredients when substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis.

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting tangible personal property to others, if tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others.

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where parts or materials are used in repairing or reconditioning the tangible personal property of a licensed person, which tangible personal property is a part of the stock of goods of a licensed person, offered for sale by him, and not for use or consumption of a licensed person.

"(10) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders, or landowners for resale or use in the form of real estate are retail sales in whatever

quantity sold. Sales of building materials, fixtures, or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building, or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale, or resale of building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators, or compounders, which are used or consumed by them in manufacturing, mining, quarrying, or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded as provided in subdivision (9) are retail sales. The term "sale at retail" or "retail sale" shall also mean and include the withdrawal, use, or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of previous withdrawal, use, or consumption, except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (9) and not for the personal and private use or consumption of any person so withdrawing, using, or consuming the same; and wholesale purchaser shall report and pay the taxes thereon. In the case of the sale of equipment, accessories, fixtures, and other similar tangible personal property used in connection with the sale of commercial mobile services as defined in subdivision (6) above, or in connection with satellite television services, at a price below cost, the term "sale at retail" and "retail sale" shall include those sales, and those sales shall not also be taxable as a withdrawal, use, or consumption of such tangible personal property.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit, or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher, or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(13) PREPAID TELEPHONE CALLING CARD. A sale of a prepaid telephone calling card or a prepaid authorization number,

or both, shall be deemed the sale of tangible personal property subject to the tax imposed on the sale of tangible personal property pursuant to this chapter.

“(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by manufacturer, who shall also be construed as the ultimate consumer of materials or property, and who shall be required to report transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

“(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the Department of Revenue, and has received therefrom a certificate of registration or, if a nonresident of this state purchasing lumber for resale outside the State of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address, and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the Department of Revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

“(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses, and other therapeutic optic devices, to a patient by a licensed ophthalmologist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. The licensed ophthalmologist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a

licensed ophthalmologist by a supplier thereof shall be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting sales tax from the licensed ophthalmologist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians or optometrists shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists.

“(e) Notwithstanding the above, the withdrawal, use, or consumption of a manufactured product by the manufacturer thereof in quality control testing performed by employees or independent contractors of the taxpayer, for purposes of this division, shall not be deemed or considered to constitute a transaction subject to sales tax, nor shall a gift by the manufacturer of a manufactured product, withdrawn from the manufacturer’s inventory, to an entity listed in 26 U.S.C. Sections 170(b) or (c), be considered a transaction subject to sales tax.”

Section 5. Section 40-23-60, Code of Alabama 1975, as amended by Act 97-648 of the 1997 Regular Session (Acts 1997, p. 1201), is amended to read as follows:

“§40-23-60.

“For the purpose of this article, the following terms shall have the respective meanings ascribed to them in this section:

“(1) **PERSON or COMPANY.** Any individual, firm, company, partnership, association, corporation, receiver or trustee, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

“(2) **DEPARTMENT.** The Department of Revenue of the State of Alabama.

“(3) **COMMISSIONER.** The Commissioner of Revenue of the State of Alabama.

“(4) **WHOLESALE SALE or SALE AT WHOLESALE.** Any one of the following:

“a. A sale of tangible personal property by wholesaler to licensed retail merchants, jobbers, dealers or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale.

"b. A sale of tangible personal property or products, including iron ore, and including the furnished container and label of such property or products, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which the manufacturer or compounder manufactures or compounds for sale, whether or not such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it become a component of the finished product; provided, however, that it is the intent of this section that no sale of capital equipment, machinery, tools, or product shall be included in the term "wholesale sale." The term "capital equipment, machinery, tools, or product" shall mean property that is subject to depreciation allowances for Alabama income tax purposes.

"c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons.

"d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons.

"e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products.

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse.

"g. A sale of bagging and ties used in preparing cotton for market.

"h. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis.

"i. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in Article 4 of Chapter

12 of this title against any person engaging in the business of leasing or renting tangible personal property to others.

“j. A purchase or withdrawal of parts or materials from stock by any person licensed under this article where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

“k. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in moulding or forming wieners and Vienna sausages, even though such casings may be recovered for reuse.

“(5) SALE AT RETAIL or RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the State of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded as provided in subdivision (4) are retail sales. The term “sale at retail” or “retail sale” shall also mean and include the withdrawal, use or consumption of any tangible personal property by anyone who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale as provided in subdivision (4); and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same, and such wholesale purchaser shall report and pay the taxes thereon. The term “retail sale” or “sale at retail” shall also mean and

include the sale of tangible personal property previously purchased at wholesale for the purpose of leasing or renting under a transaction subject to the privilege or license tax levied in Article 4 of Chapter 12 of this title, regardless of whether such sale is to the person who theretofore leased or rented the said tangible personal property or to some other person.

“(6) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

“(7) STORAGE. Any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased at retail.

“(8) USE. The exercise of any right or power over tangible personal property incident to the ownership of that property, or by any transaction where possession is given, except that it shall not include the sale of that property in the regular course of business.

“(9) PURCHASE. Acquired for a consideration, whether such acquisition was effected by a transfer of title, or of possession or of both, or a license to use or consume; whether such transfer shall have been absolute or conditional, and by whatsoever means the same shall have been effected; and whether such consideration be a price or rental in money, or by way of exchange or barter.

“(10) SALES PRICE. The total amount for which tangible personal property is sold, including any services, including transportation, that are a part of the sale, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatsoever; provided, that cash discounts allowed and taken on sales shall not be included and sales price shall not include the amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or by credit.

“(11) IN THIS STATE or IN THE STATE. Within the exterior limits of the State of Alabama, and includes all territory within such limits owned by or ceded to the United States of America.

“(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

“(13) PREPAID TELEPHONE CALLING CARD. A sale of a prepaid telephone calling card or a prepaid authorization number, or both, shall be deemed the sale of tangible personal property subject to the tax imposed pursuant to this chapter.”

Section 6. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:25 P.M.

Act No. 97-868

H. 70 – Reps. Hinshaw, Hall (L)

AN ACT

Relating to Madison County; to exempt the Huntsville-Madison County Senior Center, Incorporated, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Wesco Girls Softball Team, and the American Youth Soccer Organization, Region 498, from the payment or collection of all county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Madison County, the Huntsville-Madison County Senior Center, Incorporated, the Madison Baseball Association, the Youth Development Association, Inc., the Madison Dolphins Swim Team, the Wesco Girls Softball Team, and the American Youth Soccer Organization, Region 498, are exempted from paying or collecting any county and municipal sales or use taxes.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:26 P.M.

Act No. 97-869

H. 112 – Reps. Clouse, Carothers,
Seibenhener, Baker

AN ACT

Relating to Houston County; authorizing the Houston County Commission and the Houston County Judge of Probate to establish and make available, by paid subscription, an on-line computer service allowing the general public limited access to certain records maintained and preserved by the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The Houston County Commission and the Houston County Judge of Probate may establish and make available, by paid subscription, an on-line computer service allowing the general public limited access to certain records maintained, preserved, and made available to the general public for convenient reference which are otherwise made or to be made available to the general public through the public computer terminals in the Office of the Houston County Judge of Probate.

Section 2. The Houston County Judge of Probate may negotiate, authorize, and execute all agreements necessary to provide the service to the general public.

Section 3. The Houston County Judge of Probate may set and charge a reasonable subscription fee for the service which shall be reasonably and proportionately related to the cost of providing the on-line computer service to the general public.

Section 4. The month following the collection or receipt of the subscription fees, all funds collected or received shall be paid into a special fund of the Houston County Judge of Probate to be earmarked for and used for expenses related to probate record accountability, preservation, and service to the general public.

Section 5. This act is cumulative. Nothing herein contained shall alter or change any existing law relating to charges and fees to be collected by the Houston County Judge of Probate.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:27 P.M.

Act No. 97-870

H. 119 – Reps. Clouse, Carothers,
Seibenhener, Baker

AN ACT

Relating to Houston County; providing for the procedure for the handling of non-collectible negotiable instruments that are issued, uttered, or delivered for a motor vehicle license; providing for notice to the issuer of the instrument; providing for a service charge to the issuer of not more than \$20; providing for the retrieval of the

license or the voiding of same if not reasonably retrievable; providing for the crediting of the judge of probate for the cost, taxes, and issuance fee incidental to the license; providing for the appropriate state offices to mark or note their records relative to the voiding of the license; and providing immunity for persons implementing this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Houston County, when a negotiable instrument, such as a check or draft, given for a motor vehicle license is found to be noncollectible for any reason, the judge of probate, or his or her designee, shall notify the maker or drawer of the negotiable instrument, in writing, that payment of the negotiable instrument was refused by the drawee and that if the maker or drawer does not pay the holder thereof the amount due thereon, together with a service charge of not more than twenty dollars (\$20), within 10 days of the mailing of the notice to the maker or drawer, then the motor vehicle license shall be subject to being retrieved or voided by the judge of probate without further notice. Written notice by regular mail to the address printed on the instrument or given by the maker or drawer at the time of issuance shall be conclusively deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering, or delivering the instrument.

Section 2. If the maker or drawer of the instrument fails to timely pay the amounts due pursuant to Section 1, then the judge of probate shall notify the license inspector who shall make a reasonable attempt to retrieve the license in question.

Section 3. In the event the motor vehicle license cannot be retrieved, the license inspector shall state this fact in writing to the judge of probate and the statement shall constitute authorization for the judge of probate to void the motor vehicle license.

Section 4. Once the motor vehicle license has been voided, the judge of probate shall receive credit for the cost of the motor vehicle license, sales and use tax, and the issuance fee. The appropriate state office or offices shall mark all pertinent records pertaining to the void license accordingly and upon inquiry by any law enforcement agency or officer shall notify the agency or officer that the party in question is operating under a void license. All violations shall be prosecuted in accordance with current law.

Section 5. The provisions of this act are supplemental and cumulative and the remedies provided in this act are in addition to any other criminal or civil penalty provided by law for the negotiating of worthless negotiable instruments.

Section 6. In addition to any other applicable immunity protections, the judge of probate, license inspector, or any of their employees, agents, or assigns who comply with this act shall be immune from civil or criminal liability for all actions taken pursuant to this act.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:28 P.M.

Act No. 97-871

H. 120 – Reps. Clouse, Flowers, Baker
AN ACT

Relating to Dale County; providing a procedure for handling cases involving invalid checks given for licenses and for the voiding of the licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County, when a personal check given for a license is found to be noncollectible for any reason, the revenue commissioner shall notify the Worthless Check Unit of the District Attorney's Office which shall make a reasonable attempt to collect the amount due for the license. In the event the collection cannot be made, the District Attorney's Office shall so state in writing and the statement shall constitute authorization for the revenue commissioner to void the license. Once the license has been voided, the revenue commissioner shall receive credit for the cost of the license plus the issuance fee. The appropriate state office shall mark the records pertaining to the void license and upon inquiry by any law enforcement agency, shall notify the agency that the party in question is operating under a void license.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:29 P.M.

Act No. 97-872

H. 55 – Reps. McMillan, Penry, Warren
AN ACT

Relating to Baldwin County; to provide for the sale of alcoholic beverages for consumption on the selling premises by certain licensees on Sunday; and to provide for referendums as provided in this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This bill applies only to Baldwin County.

Section 2. This bill shall apply to the sale of alcoholic beverages for consumption on the licensed selling premises on Sunday of certain licensees of the Alcoholic Beverage Control Board of the State of Alabama.

Section 3. The governing bodies of municipalities within the county may, by resolution, call for a referendum within the corporate limits of the municipality to determine if the sale of alcoholic beverages for consumption on the licensed selling premises on Sunday will be allowed under the same authority applicable to other days of the week within the corporate limits of the municipality.

Section 4. (a) Any county commission district, or areas within a district to be defined by the county commission, may hold a referendum administered by the Judge of Probate of Baldwin County for the approval of the sale of alcoholic beverages for consumption on the licensed selling premises within those areas on Sunday under the same license authority applicable to other days of the week by one of the following procedures:

(1) A resolution of the county commission.

(2) A petition for a referendum certified by the Judge of Probate of Baldwin County consisting of at least 10 percent of the registered voters at any date within six months prior to the certification of the petition in the county commission or the defined areas of that county commission district.

(b) County commission districts shall be those areas defined by law at the time of the referendum. Subsequent changes in county commission district boundaries shall not affect the results of any referendum held prior to those changes in any county commission district or area and the results of any referendum shall remain in place for those areas.

(c) Areas within a particular county commission district to be defined by the county commission as a referendum area shall coincide with county voting precinct boundaries and shall not be smaller than an individual precinct, except where an individual precinct contains incorporated areas, in which case that portion of the precinct which is incorporated shall constitute all or part of the referendum area to be defined by the county commission.

(d) If the county commission calls a district-wide referendum, notification shall be delivered to the governing bodies of all incorporated areas within that district within five working days.

(e) Incorporated areas may be excluded from any referendum by resolution of the governing bodies of those areas delivered to the county commission within 21 days from the notification of the call for a referendum.

(f) Where these procedures result in a district-wide referendum, if a majority of voters in any incorporated area approve the sale of alcoholic beverages for consumption on the licensed selling premises on Sunday under the same license authority applicable to other days of the week, then the sale of alcoholic beverages for consumption on the licensed selling premises shall be permitted in those areas incorporated regardless of the total districts vote.

Section 5. The governing body in the jurisdiction of the referendum shall have the authority to establish hours of sale and other provisions of the referendum necessary to implement this act.

Section 6. Any referendum authorized by this act shall be held not less than 60 days from the date of that authorization and not more than 120 days from the date of that authorization. The referendum shall be held at the next regular election or at a special election called by the governing bodies of the municipalities holding the referendum, or by the county commission. The governing body or the county commission calling the referendum shall pay the costs associated with the referendum.

Section 7. The question on the ballot shall be:

“Do you favor approving the sale of alcoholic beverages for consumption on the licensed selling premises on Sunday under the same license authority applicable to other days of the week on the premises of establishments, including, but not limited to: restaurants, hotels, premises of golf courses, lounges, retail beer licenses, and other licensed premises of licensees of the Alcoholic Beverage Control Board of the State of Alabama as currently defined by Title 28 of the Code of Alabama 1975, as of the effective date of this act and on the premises of such establishments hereafter licensed? Yes _____. No _____.”

Section 8. Any referendum for any area held pursuant to this act which fails to win approval for the sale of alcoholic beverages for consumption on the licensed selling premises on Sunday in that area shall not be followed by another referendum applicable to the same area in less than 24 months.

Section 9. This act shall be construed together with all other existing laws not in conflict with this act, relating to the sale of alcoholic beverages in Baldwin County.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 11, 1997

Time: 3:30 P.M.

Act No. 97-873

H. 128 – Reps. Turnham, Curry,
Carothers

AN ACT

To make an appropriation of \$261,317 from the Education Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998, the sum of two hundred sixty-one thousand three hundred and seventeen dollars (\$261,317) out of the funds in the Education Trust Fund.

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped; and providing for physical educational facilities.

Section 3. The Governor's Commission on Physical Fitness is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1997-98.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on October 1, 1997.

Approved September 11, 1997

Time: 3:31 P.M.

Act No. 97-874

H. 18 – Reps. Curry, Haney, Knight (J),
Rogers (J)

AN ACT

To make an appropriation of \$1,049,579 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of one million forty-nine thousand

five hundred seventy nine dollars (\$1,049,579), from the Education Trust Fund for the support and maintenance of the cerebral palsy education program to be allocated as follows:

- (a) United Cerebral Palsy of Alabama, Inc.....\$500,000
- (b) United Cerebral Palsy Development
Center for East Central Alabama\$142,000
- (c) Simpson-May Cerebral Palsy Center.....\$142,000
- (d) Cerebral Palsy Housing Foundation\$50,000
- (e) United Cerebral Palsy of West Alabama, Inc.....\$25,000
- (f) United Cerebral Palsy of Alabama, Inc.
for Etowah County.\$50,000
- (g) United Cerebral Palsy of Northwest Alabama.....\$25,000
- (h) United Cerebral Palsy of Huntsville
and Tennessee Valley, Inc.....\$40,000
- (i) United Cerebral Palsy of Mobile, Inc.\$75,579

In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 11, 1997

Time: 3:32 P.M.

Act No. 97-875

H. 21 – Reps. Curry, Rogers (J)

AN ACT

To make an appropriation of \$350,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of three hundred fifty thousand

dollars (\$350,000) to the Birmingham Children's Theatre from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 11, 1997

Time: 3:33 P.M.

Act No. 97-876

H. 72 – Reps. Fuller, Curry, Boyd

AN ACT

To make an appropriation of \$175,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1998, and to require an audited financial statement and an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of one hundred seventy-five thousand dollars (\$175,000) to the Alabama Humanities Foundation from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 11, 1997

Time: 3:34 P.M.

Act No. 97-877

H. 83 – Reps. Kennedy, Knight (J),
Rogers (J), Thomas (J),
Haney, Curry, Boyd

AN ACT

To make an appropriation of \$1,477,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program and to make a conditional appropriation of \$134,000 from the Education Trust Fund to the UAB Comprehensive Sickle Cell Center for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$1,477,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program to be allocated as follows:

- (a) North Central Alabama Sickle Cell Foundation, Inc.
(formerly known as Jefferson County Sickle Cell
Detection Committee, Inc.)\$270,420
- (b) Sickle Cell Disease Association of
Gulf Coast, Alabama\$251,417
- (c) Sickle Cell Foundation of
Greater Montgomery, Inc\$149,363
- (d) Southeast Alabama Sickle Cell Association.....\$174,565
- (e) Tri-County West Central Alabama Sickle
Cell Anemia Association, Inc.....\$111,335
- (f) North Alabama Sickle Cell Program.....\$163,317
- (g) West Alabama Sickle Cell Program.....\$64,500
- (h) Children's Hospital of Birmingham\$48,632
- (i) Children's and Women's Hospital -
Comprehensive Sickle Cell Center\$243,563

In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. There is conditionally appropriated from the Education Trust Fund to the UAB Comprehensive Sickle Cell Center the sum of \$134,000 for the fiscal year ending September 30, 1998. The appropriation made in this section is conditioned upon the availability of funds in the Education Trust Fund, the recommendation of the Director of Finance, and the approval of the Governor.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 4. This act shall become effective October 1, 1997.

Approved September 11, 1997

Time: 3:35 P.M.

Act No. 97-878

H. 168 – Rep. Venable

AN ACT

Relating to Coosa County; providing for an additional expense allowance and salary for the judge of probate, sheriff, and the revenue commissioner of the county; establishing a process for cost-of-living increases in the salary of certain elected county officials; and providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the judge of probate, sheriff, and the revenue commissioner of Coosa County shall be entitled to an additional expense allowance so that the salary and expense allowance of each respective county officer shall be equal to the following amounts on an annual basis:

Judge of probate	\$60,000
Sheriff	50,000
Revenue commissioner	50,000

This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the respective terms of the incumbent county officer affected by this act, the annual salary for the judge of probate, sheriff, and revenue commissioner shall be increased to the amount of the compensation and expense allowance provided by Section 1 on an annual basis, and at that time any expense allowance provided pursuant to Section 1 shall expire. The salary of

each county officer shall be payable in equal monthly installments from the general fund of the county.

Section 3. The salaries of the county elected officials shall be increased through cost-of-living adjustments in the same amount or percentage as those authorized for county employees. Beginning with the fiscal year commencing October 1, 1998, if the county provides a uniform cost-of-living salary increase to the employees of the county, the salaries of the county elected officials shall be increased in the same amount or percentage, as the case may be, in the same amount or percentage increase provided to its employees. If the implementation of any cost-of-living adjustment increases the salary of the incumbent office holder, the increase shall be paid as expense allowance until the beginning of the next term of office whereupon the amount of the expense allowance shall be included in the base salary for the office holder and the expense allowance thereupon voided. Notwithstanding the foregoing, a county shall pay the salary increase during a term of office at the beginning of the next fiscal year if payment of the increase is sanctioned by an amendment to the Constitution of Alabama of 1901.

Section 4. "County-elected official" means the judge of probate, sheriff, revenue commissioner, chair of the county commission, and members of the county commission.

Section 5. This act shall be read in pari materia with Section 40-6A-2, Code of Alabama 1975, as amended. All compensation paid under provisions of this act to the revenue commissioner shall continue to be prorated and paid under the same funds and in the same manner as provided under that section.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved September 11, 1997

Time: 3:36 P.M.

Act No. 97-879

S. 18 – Senator Sanders

AN ACT

To make an appropriation of \$50,000 from the Education Trust Fund to the Center for Family Strengths (formerly known as Educational Resources, Inc.) for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$50,000 to the Center for Family Strengths (formerly known as Educational Resources, Inc.)

from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 11, 1997

Time: 3:37 P.M.

Act No. 97-880

S. 58 – Senator Denton

AN ACT

To alter and rearrange the boundary lines and corporate limits of the City of Florence and the City of St. Florian in Lauderdale County to remove certain property from the corporate limits of the City of St. Florian and add the property to the City of Florence.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of St. Florian and the City of Florence in Lauderdale County are altered and rearranged to remove from the corporate limits of the City of St. Florian all of the following territory and to add the territory to the City of Florence:

Tract I

A part of Sections 19 and 30, Township 2 South, Range 10 West, Lauderdale County, Alabama, and being more particularly described as follows: To find the point of beginning, commence at an existing cotton spindle in the centerline of paved County Road No. 61 (Middle Road) said point being the NE corner of said Section 30; thence S 89 degrees 50'55" W 149.00 feet to the point of beginning; thence S 00 degrees 04'49" E for 2464.83 feet; thence N 88 degrees 57'48" W 312.67 feet; thence S 00 degrees 30'45" W 186.66 feet to an existing iron pin at a fence corner; thence S 01 degree 07'02" W 423.27 feet to a point in the centerline of a ditch;

thence N 89 degrees 52'51" W generally along the centerline of said ditch 848.31 feet; thence leaving the centerline of said ditch S 00 degrees 19'41" E 10 feet to an existing 10" cedar corner fence post; thence along an existing wire fence the following bearings and distances: N 88 degrees 53'10" W 56.29 feet, S 88 degrees 57'50" W 323.43 feet, S 88 degrees 58'04" W 104.34 feet, N 88 degrees 52'41" W 85.70 feet, S 82 degrees 52'48" W 32.76 feet to an iron pin, S 89 degrees 05'28" W 58.59 feet, N 87 degrees 56'58" W 108.27 feet, N 88 degrees 36'29" W 138.90 feet, N 87 degrees 10'01" W 106.93 feet, N 88 degrees 05'30" W 102.01 feet, N 75 degrees 39'48" W 20.10 feet; S 88 degrees 15'08" W, 55.06; thence along a fence line the following bearings and distances: N 5 degrees 21'38" W 141.96 feet, N 4 degrees 58'07" W 566.77 feet to a fence corner, N 60 degrees 02'53" W 134.77 feet to a fence corner, N 7 degrees 26'36" W 139.46 feet, N 3 degrees 31'37" E 503.98 feet to an iron pin set at the end of said fence line; thence N 77 degrees 17'00" E 23.16 feet to an iron pin set on the extension of the centerline of an old road bed; thence N 2 degrees 04'06" E and along the centerline of said old road bed 799.15 feet to the intersection of an existing gravel drive; thence along said centerline of said gravel drive the following bearings and distances: N 1 degree 05'10" E 279.19 feet, N 1 degree 48'52" E 58.18 feet, N 3 degrees 37'26" E 46.20 feet, N 0 degrees 05'42" E, 46.11 feet, N 6 degrees 35'50" W 40.79 feet, N 24 degrees 26'54" W, 72.28 feet, N 37 degrees 01'22" W 106.80 feet, N 35 degrees 16'43" W 345.56 feet, N 44 degrees 39'08" W 32.94 feet, N 65 degrees 31'58" W 14.05 feet, N 79 degrees 58'47" W 30.39 feet, N 88 degrees 21'56" W 846.76 feet N 86 degrees 03'35" W 173.16 feet, N 78 degrees 41'38" W 52.25 feet, N 63 degrees 41'48" W 45.88 feet, N 53 degrees 26'54" W 52.97 feet to an iron pin set on the Southeastwardly right of way of paved County Road No. 47, thence N 32 degrees 32'43" E and along said right of way 1551.04 feet to an existing iron pin; thence leaving said right of way N 89 degrees 30'05" and along an existing fence line 1899.66 feet; thence generally along an existing fence line the following bearings and distances: S 04 degrees 21 minutes 42 seconds E 57.83 feet; S 14 degrees 22'02" E 166.10 feet to a fence corner, thence N 88 degrees 52'20" E 1025.28 feet, thence S 01 degree 32'00" E 930.41 feet; thence N 75 degrees 28'13" E 152.28 feet; thence S 1 degree 04'11" E 146.13 feet; thence S 0 degrees 09'09" E 277.45 feet to the point of beginning.

Tract II

A tract of land in Section 19, Township 2 South, Range 10 West, Lauderdale County, Alabama, being more particularly described as follows, to-wit: Commence at the Southeast corner of said Section 19; thence South 89 degrees 50 minutes 55 seconds West for 149.00 feet

to the point of beginning; thence continue South 89 degrees 50 minutes 55 seconds West for 1171.00 feet; thence North 00 degrees 00 minutes 48 seconds West for 1102.79 feet; thence North 06 degrees 36 minutes 49 seconds West for 32.40 feet; thence North 08 degrees 54 minutes 38 seconds West for 110.48 feet; thence North 09 degrees 10 minutes 17 seconds West for 54.93 feet; thence North 88 degrees 52 minutes 20 seconds East for 1025.28 feet; thence South 01 degree 32 minutes 00 seconds East for 930.41 feet; thence North 75 degrees 28 minutes 13 seconds East for 152.28 feet; thence South 01 degree 04 minutes 11 seconds East for 146.13 feet; thence South 00 degrees 09 minutes 09 seconds East for 277.45 feet to the point of beginning. Said tract contains 31.81 acres, more or less.

Tract III

A tract of land in Section 30, Township 2 South, Range 10 West, Lauderdale County, Alabama, being more particularly described as follows, to-wit: Begin at the Northeast corner of said Section 30; thence South 00 degrees 00 minutes 48 seconds East for 1320.05 feet; thence South 89 degrees 59 minutes 12 seconds West for 150.00 feet; thence North 00 degrees 00 minutes 48 seconds West for 1319.82 feet; thence North 89 degrees 55 minutes 02 seconds East for 150.00 feet to the point of beginning. Said tract contains 4.55 acres, more or less.

Section 2. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be removed from the City of St. Florian and added to the City of Florence is on file and open to public inspection in the office of the Judge of Probate in Lauderdale County, Alabama.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:38 P.M.

Act No. 97-881

S. 88 – Senator Bailey

AN ACT

Relating to Houston County; authorizing the Houston County Commission and the Houston County Judge of Probate to establish and make available, by paid subscription, an on-line computer service allowing the general public limited access to certain records maintained and preserved by the office of the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The Houston County Commission and the Houston County Judge of Probate may establish and make available, by paid

subscription, an on-line computer service allowing the general public limited access to certain records maintained, preserved, and made available to the general public for convenient reference which are otherwise made or to be made available to the general public through the public computer terminals in the Office of the Houston County Judge of Probate.

Section 2. The Houston County Judge of Probate may negotiate, authorize, and execute all agreements necessary to provide the service to the general public.

Section 3. The Houston County Judge of Probate may set and charge a reasonable subscription fee for the service which shall be reasonably and proportionately related to the cost of providing the on-line computer service to the general public.

Section 4. The month following the collection or receipt of the subscription fees, all funds collected or received shall be paid into a special fund of the Houston County Judge of Probate to be earmarked for and used for expenses related to probate record accountability, preservation, and service to the general public.

Section 5. This act is cumulative. Nothing herein contained shall alter or change any existing law relating to charges and fees to be collected by the Houston County Judge of Probate.

Section 6. The provisions of this act are severable. if any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:39 P.M.

Act No. 97-882

S. 89 – Senator Bailey

AN ACT

Relating to Dale County; providing a procedure for handling cases involving invalid checks given for licenses and for the voiding of the licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. In Dale County, when a personal check given for a license is found to be noncollectible for any reason, the revenue commissioner shall notify the Worthless Check Unit of the District

Attorney's Office which shall make a reasonable attempt to collect the amount due for the license. In the event the collection cannot be made, the District Attorney's Office shall so state in writing and the statement shall constitute authorization for the revenue commissioner to void the license. Once the license has been voided, the revenue commissioner shall receive credit for the cost of the license plus the issuance fee. The appropriate state office shall mark the records pertaining to the void license and upon inquiry by any law enforcement agency, shall notify the agency that the party in question is operating under a void license.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:40 P.M.

Act No. 97-883

S. 90 – Senator Bailey

AN ACT

Relating to Houston County; providing for the procedure for the handling of non-collectible negotiable instruments that are issued, uttered, or delivered for a motor vehicle license; providing for notice to the issuer of the instrument; providing for a service charge to the issuer of not more than \$20; providing for the retrieval of the license or the voiding of same if not reasonably retrievable; providing for the crediting of the judge of probate for the cost, taxes, and issuance fee incidental to the license; providing for the appropriate state offices to mark or note their records relative to the voiding of the license; and providing immunity for persons implementing this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Houston County, when a negotiable instrument, such as a check or draft, given for a motor vehicle license is found to be noncollectible for any reason, the judge of probate, or his or her designee, shall notify the maker or drawer of the negotiable instrument, in writing, that payment of the negotiable instrument was refused by the drawee and that if the maker or drawer does not pay the holder thereof the amount due thereon, together with a service charge of not more than twenty dollars (\$20), within 10 days of the mailing of the notice to the maker or drawer, then the motor vehicle license shall be subject to being retrieved or voided by the judge of probate without further notice. Written notice by regular mail to the address printed on the instrument or given by the maker or drawer at the time of issuance shall be conclusively deemed sufficient and equivalent to notice having been received by the person making, drawing, uttering, or delivering the instrument.

Section 2. If the maker or drawer of the instrument fails to timely pay the amounts due pursuant to Section 1, then the judge of probate shall notify the license inspector who shall make a reasonable attempt to retrieve the license in question.

Section 3. In the event the motor vehicle license cannot be retrieved, the license inspector shall state this fact in writing to the judge of probate and the statement shall constitute authorization for the judge of probate to void the motor vehicle license.

Section 4. Once the motor vehicle license has been voided, the judge of probate shall receive credit for the cost of the motor vehicle license, sales and use tax, and the issuance fee. The appropriate state office or offices shall mark all pertinent records pertaining to the void license accordingly and upon inquiry by any law enforcement agency or officer shall notify the agency or officer that the party in question is operating under a void license. All violations shall be prosecuted in accordance with current law.

Section 5. The provisions of this act are supplemental and cumulative and the remedies provided in this act are in addition to any other criminal or civil penalty provided by law for the negotiating of worthless negotiable instruments.

Section 6. In addition to any other applicable immunity protections, the judge of probate, license inspector, or any of their employees, agents, or assigns who comply with this act shall be immune from civil or criminal liability for all actions taken pursuant to this act.

Section 7. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:41 P.M.

Act No. 97-884

S. 108 – Senator Clay

AN ACT

Relating to Macon County; to amend Section 15 of Act 83-575, 1983 Regular Session, as amended, relating to the Macon County Racing Commission; to reallocate the distribution of the net proceeds of fees, commissions, taxes, and other monies received by the Macon County Racing Commission from the operation of the racetrack to the Macon County Health Care Authority for the construction, maintenance, and operation of the Representative Thomas Reed Charity Urgency Health Care Center.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act 83-575, 1983 Regular Session, as amended, is amended to read as follows:

"Section 15. All fees, commissions, taxes and other monies, including fines, and forfeitures, received under the provisions of this act shall be paid to the treasurer of the racing commission. All such monies remaining after payment of expenses incurred in the administration of this act shall be distributed as provided by law within fifteen (15) days following the quarterly receipt thereof. The Macon County Racing Commission shall then distribute such net proceeds on a quarterly basis as follows:

"(a) The first 51 percent of such net proceeds shall be distributed to the Macon County Board of Education as follows:

"(1) Fifty-one percent of said 51 percent shall go to the general fund of the Macon County Board of Education to be used as they shall see fit.

"(2) The remaining forty-nine percent of said 51 percent shall be used exclusively for a pro rata basis salary subsidy for all employees of the County Board of Education including specifically teachers, administrative and support personnel which includes bus drivers, lunchroom workers, janitors and any other support personnel.

"(b) The next twenty percent of such net proceeds shall be paid to the County Commission to be used as follows:

"(1) Forty-five percent of the twenty percent to the general fund to be used as the County Commission sees fit.

"(2) Ten percent of the twenty percent shall immediately upon receipt by the county commission be paid directly to a sheriff's department fund and shall be placed in no other fund or account. Said sheriff's department fund shall be established by the sheriff and shall be under the exclusive domain and control of the sheriff. No other county official shall have any control of money placed in the sheriff's fund. Money placed in the sheriff's fund shall be used exclusively for law enforcement purposes.

"(3) Ten percent of the twenty percent thereof to the county library.

"(4) Ten percent of the twenty percent thereof earmarked for indigent medical care.

"(5) Five percent of the twenty percent thereof to the Macon County Council on Retardation and Rehabilitation.

"(6) Five percent of the twenty percent thereof to the County Department of Human Resources.

"(7) Ten percent of the twenty percent thereof to the Macon County Health Care Authority for the construction, maintenance,

and operation of the Representative Thomas Reed Charity Urgency Health Care Center. The amendment made to this subdivision by the act adding this sentence shall have retroactive effect to July 22, 1983.

“(8) Five percent of the twenty percent for recreation in West, East, North and South Macon County.

“(c) Fifteen percent of the net proceeds shall go to the general funds of the following cities and towns in Macon County, in the following amounts, to be used as their respective governing bodies see fit:

“(1) 62.5% to the City of Tuskegee;

“(2) 25.0% to the Town of Notasulga;

“(3) 6.25% to the Town of Franklin;

“(4) 6.25% to the Town of Shorter.

“(d) Eight percent of the net proceeds shall go to Tuskegee University to be used as follows:

“(1) Sixty-three percent of the eight percent thereof to the general budget of the University.

“(2) Thirty-seven percent of the eight percent thereof to fund a Special Scholarship Fund as determined and administered by the University for economically disadvantaged residents of Macon County.

“(e) Two and three-fourths percent of the total net proceeds shall go to the Macon County Community Action Program.

“(f) Two percent of the total net proceeds shall go to the Southern Vocational College.

“(g) One-fourth of one percent of the total net proceeds shall go to the Tuskegee-Macon County YMCA.

“(h) One percent of the total net proceeds shall go to St. Joseph's School.

“If any of the agencies receiving funds under this section cease to exist or should it be determined unlawful for any of the agencies to receive such funds, then the funds allocated thereto shall immediately accrue to the general fund from which the monies were to have been disbursed and the respective governing or administrative bodies may appropriate and spend the money for any lawful purpose.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:42 P.M.

Act No. 97-885

S. 133 – Senator Steele

AN ACT

Relating to Tuscaloosa County; to amend Section 2 of Act 94-568, H. 897, 1994 Regular Session (Acts 1994, p. 1040), relating to the Office of the Sheriff in Tuscaloosa County, to provide further for the compensation of the chief jailer; and to repeal Act 97-582, S. 674 of the 1997 Regular Session (Acts 1997, p. ____), relating to the compensation of the chief jailer of the Tuscaloosa County Sheriff's Department.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 94-568, H. 897, 1994 Regular Session (Acts 1994, p. 1040), is amended to read as follows:

“Section 2. The compensation of the chief jailer shall be a salary, payable out of the county treasury, in the same manner and at the same time as the salaries of other employees of the county are paid. The chief jailer shall receive compensation in an amount equal to the compensation range of a Tuscaloosa County Sheriff's Office captain with the pay step, if the chief jailer is appointed from the ranks of present or future commissioned deputies or detention officers of Tuscaloosa County, to be the step to which the incumbent would be entitled if the incumbent were appointed within the civil service system of Tuscaloosa County. If the incumbent is appointed from without the civil service system of Tuscaloosa County, then the pay step of the position shall be set at the time of appointment at the pleasure of the sheriff, within the range of captain, but in no instance may the pay step exceed that of pay step 18 of a Tuscaloosa County Sheriff's Office captain. The chief jailer shall be entitled to receive all the same benefits as other employees in the classified service of the county.”

Section 2. Act 97-582, S. 674 of the 1997 Regular Session (Acts 1997, p. ____), relating to the compensation of the chief jailer of the Tuscaloosa County Sheriff's Department is expressly repealed.

Section 3. Nothing contained herein shall affect a reduction in pay for the person currently serving in the position of chief deputy sheriff of the Tuscaloosa County Sheriff's Office.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:45 P.M.

Act No. 97-886

S. 156 – Senator Clay

AN ACT

Relating to any municipality in Barbour County; to provide for the abatement of nuisances in the form of certain weeds or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

Be It Enacted by the Legislature of Alabama:

Article I.

Section 1. Applicability.

The provisions of this act shall only apply to any municipality located in Barbour County, Alabama.

Article II.

Section 1. Weeds may be declared a public nuisance and abated.

All weeds growing upon streets, sidewalks, or upon private property within any municipalities located in Barbour County, Alabama, which bear seeds of a wingy or downy nature, which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous may be declared to be a public nuisance by the governing body of the municipality and may be abated as hereinafter provided.

Section 2. Report of appropriate city official; resolution declaring a public nuisance.

The term “appropriate city official” as used in this article shall mean any city official or employee designated by the mayor or other chief executive officer of the city as the person to exercise the authority and perform the duties delegated by this article to the “appropriate city official.”

The appropriate city official shall report to the city governing body whenever weeds are growing upon any street, sidewalk, or private property which constitute a nuisance. Upon receiving a report, the city governing body may declare the same to be a public nuisance and order its abatement.

Section 3. Notice to owner; contents; posting of signs.

After the passage of a resolution, the appropriate city official shall send notice of the action to the last person or persons, firm, association, or corporation last assessing the property for state taxes, by certified or registered mail to the address on file in the revenue commissioner’s office to remedy the growth of weeds within a reasonable time set out in the notice, not to exceed 14 days or suffer the weeds to be abated by the city and the cost thereof assessed against

the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The city shall also place a sign conspicuously on the property indicating that the city governing body has found the property to be a public nuisance because of the unlawful growth of weeds.

Section 4. Hearing.

Within the time specified in the notice, but not more than 14 days from the date the notice is given, any person, firm, or corporation, may file a written request for a hearing before the governing body of the city, together with objections to the finding by the city governing body that the weeds constitute a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the mayor of the city governing body shall order the weeds to be abated as hereinafter provided.

Section 5. Entry of municipal employees and agents on property to abate nuisance; abatement by private contractor.

If the nuisance on the property has not been abated within 14 days after the city governing body's resolution, the mayor of the city shall order the nuisance to be abated. The abatement may be accomplished, at the option of the city, by its own forces or by contract. For purposes of this article, compliance with the competitive bid laws shall not be required. All city employees and duly authorized agents are expressly authorized to enter private property for the purpose of abating the nuisance thereon.

Section 6. Accounting of cost of abatement.

The appropriate city official shall give an itemized written report to the city governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost the city incurs in the abatement, including administrative costs. Should the city contract for abatement, the cost shall be the actual costs the contractor charges the city for the abatement, including administrative costs the city incurs. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution confirming the costs of the reports, provided that any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk of the city shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

Section 7. Cost to constitute weed liens; report to revenue commissioner; amounts to be included in tax bills; collection.

The confirmed cost of abatement shall hereinafter be referred to as a weed lien and thus made and confirmed shall constitute a weed lien on the property for the amount of the weed lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Barbour County who, under the optional method of taxation, is charged with the collection of the city's municipal taxes pursuant to Sections 11-51-40 through 11-51-74, Code of Alabama 1975. Whereupon it shall be the duty of the county revenue commissioner to add the amounts of any weed lien to the next regular bills for taxes levied against the respective lots and parcels of land, and thereafter any weed liens shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. The county revenue commissioner shall retain 10 percent of the amount of each weed lien collected and remit the remainder to the municipality. The amount retained by the revenue commissioner shall be used for operational purposes.

Section 8. Article cumulative in nature.

This article shall be cumulative in its nature, and in addition to any and all power and authority which the city may have under any other law.

Article III.

Section 1. Demolition of unsafe structures by any municipalities located in Barbour County, Alabama.

Any municipality located in Barbour County, Alabama, shall have authority, after notice provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls and foundations, when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. Meaning of "appropriate city official"; duties; notice of unsafe or dangerous condition.

The term "appropriate city official" as used in the article shall mean any city building official or deputy and any other city official or city employee designated by the mayor or other chief executive officer of the city as the person to exercise the authority and perform the duties delegated by this article to "appropriate city official." Whenever the appropriate city official of the city shall find that any building, structure, part of building or structure, party wall or foundation situated in any city is

unsafe to the extent that it is a public nuisance, the official shall report the findings to the city governing body. At that time the city governing body shall determine whether the building, structure, part of building or structure, party wall, or foundation constitutes a public nuisance. Should the city governing body find by resolution that the building, structure, part of building or structure, party wall, or foundation is a public nuisance, then the appropriate city official shall give the person or persons, firm, association, or corporation last assessing the property for state taxes, by certified or registered mail to the address on file in the revenue commissioner's office, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within a reasonable time set out in the notice, which time shall not be less than 30 days unless an extension is granted by the appropriate city official or suffer the building or structure to be demolished by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The city shall place a sign or placard within 15 feet of the entrance of the building or structure, indicating that the city had declared the building or structure to be a public nuisance; however, if there is no entrance in which to place the sign or placard, then the sign or placard may be posted at any location upon the building or structure.

Section 3. Hearing procedure; order; appeal.

Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body of the city, together with the objections to the finding by the city governing body that the building or structure is unsafe to the extent of becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the governing body shall order the building or structure to be demolished. The demolition may be accomplished, at the option of the city, by the use of its own forces or it may provide by contract for the demolition. For purposes of this article, compliance with the competitive bid laws are not required. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from the demolition.

Any person aggrieved by the decision of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the

clerk of the court shall serve a copy of the notice of appeal on the clerk of the city and the appeal shall be docketed in the court, and shall be a preferred case therein. The clerk of the city shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination of the governing body in proceedings, and trials shall be held without jury upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Report of cost of demolition; adoption of resolution fixing costs; proceeds of sale of salvaged materials; objections to findings of cost; notice.

Upon demolition of the building or structure, the appropriate city official shall make an itemized written report to the governing body of the cost thereof. The cost of the demolition shall be the actual cost the city incurs in the demolition should the city use its own forces, including administrative costs the city incurs in abating the nuisance. Should the city contract for demolition, the cost shall be the actual cost the contractor charges the city for the demolition, including administrative costs the city incurs in abating the nuisance. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution fixing the costs which it finds were incurred in the demolition and assessing the same against the property; provided, however, the proceeds of any moneys received from the use of salvaged materials from the building or structure shall be used or applied against the cost of the demolition; and provided, further, then any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk of the city shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk. The fixing of costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. A certified copy of the resolution shall be filed in the office of the Judge of Probate of Barbour County. Upon filing, the revenue commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the city. The county revenue commissioner shall retain 10 percent of the amount of each lien collected to be used for operational purposes.

Section 5. Assessment of costs; sale and redemption of lots.

The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for nonpayment of taxes, and where any assessment is made against the lot or lots, parcel or parcels of the land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the city.

Section 6. Payment of assessments.

Payment of any assessment, or if delinquent, the collection of the assessment, shall be made in the manner and as provided for the payment of municipal improvement assessments as provided for the payment of and delinquent collection of municipal improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of Chapter 2 of Title 11, Code of Alabama 1975. The city may, in the latter notice, elect to have the revenue commissioner collect the assessment by adding the same to the tax bill; upon the election the revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes. Ten percent of the amount of each assessment collected by the county revenue commissioner shall be retained by the county revenue commissioner and used for operational purposes.

Section 7. Article cumulative in nature.

This article shall be cumulative in its nature, and in addition to any and all power and authority which any city may have under any other law.

Article IV.

Section 1. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1997

Time: 3:46 P.M.

Act No. 97-887

S. 159 – Senator Lindsey

AN ACT

Relating to Washington County; providing for an additional expense allowance for the coroner and authorizing the county commission to expend county funds to purchase supplies for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Washington County Commission may provide an additional expense allowance for the coroner in an amount which shall not exceed five hundred dollars (\$500) per month. This expense allowance shall be in addition to other expense allowances, compensation, or salary provided by law and shall be paid in equal monthly installments from the county general fund. The county commission may also expend county funds to purchase the supplies necessary for the operation of the office of the coroner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1997

Time: 3:47 P.M.

Act No. 97-888

S. 30 – Senator Freeman

AN ACT

To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1998, there is hereby appropriated to the Tri-Rivers Waterway Development Authority from the State General Fund the sum of Sixty-two thousand seven hundred sixty-one dollars (\$62,761). In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1997.

Approved September 11, 1997

Time: 3:48 P.M.

Act No. 97-889

S. 54 – Senators Butler, Roberts,
and Freeman

AN ACT

To provide that any local board of education receiving hold harmless funds may use part or all of its capital outlay allowance to pay for the additional costs of any salary increase mandated by the Legislature and not covered by an adjustment to the hold harmless allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. Any local board of education receiving a hold harmless allowance as provided for in Section 16-13-234, Code of Alabama 1975, may use part or all of the funds received by the local board from the Public School Fund for capital outlay allowance to pay the costs of any salary increase mandated by the Legislature, including the costs of fringe benefits, not covered by an adjustment to the hold harmless allowance.

Section 2. Prior to using its capital outlay allowance for salary increases mandated by the Legislature, including the costs of fringe benefits, the local board of education, by a majority vote, must adopt a resolution transferring the capital outlay allowance to the general fund of the local board and earmark the funds for salary increases and associated fringe benefits. The local board of education must also submit a copy of the resolution to the State Superintendent of Education.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 11, 1997

Time: 3:49 P.M.

Act No. 97-890

S. 95 – Senator Windom

AN ACT

To amend Act 97-447 of the 1997 Regular Session, now appearing as Section 30-3-198, Code of Alabama 1975, relating to the Alabama Child Support Reform Act of 1997; to further provide for the procedural process for liens against the property of noncustodial parents who owe past due child support payments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act 97-447 of the 1997 Regular Session, now appearing as Section 30-3-198, Code of Alabama 1975, is amended to read as follows:

“§30-3-198.

“(a) The state Title IV-D agency, by or through any employee, agent, or representative, shall file a notice of a lien against any real or personal property of any noncustodial parent who resides or owns property in this state and owes past due child support payments under 42 U.S.C.A. Section 666(a) (4) as follows: (i) liens against any real property shall be filed in the office of the judge of probate where the real property is located; (ii) liens against personal property, other than personal property subject to a certificate of title, shall be filed in the office of the Secretary of State in the records where Uniform Commercial Code financing statements are filed; and (iii) liens against personal property which is subject to a certificate of title shall be filed in the office of the Alabama Department of Revenue on such forms as may be prescribed by the Department of Revenue and upon delivery to the Department of Revenue of the outstanding certificate of title on the personal property and payment of the fees required under the provisions of the Uniform Certificate of Title and Anti-Theft Act, Section 32-8-1, et seq., Code of Alabama 1975.

“(b) Upon the filing of a notice, a lien shall arise by operation of law and shall serve as notice of the contents from the time of the filing of the notice. The lien shall be subject and subordinate to the following:

“(1) Mortgages, security interests, and other liens perfected, filed, or recorded prior to the time the state Title IV-D agency lien is recorded.

“(2) Right of set-off.

“(3) Purchase money security interests and other purchase money liens.

“(4) Mechanic and materialmen liens.

“(c) The state shall accord full faith and credit to liens arising from any judicial or administrative action in another state. When the state Title IV-D employee, agent, or representative seeks to enforce a lien or a judicial order, notice shall not be required. The state Title IV-D agency shall not be required to obtain a judgment for an amount certain prior to filing for the enforcement of a lien.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 11, 1997

Time: 3:50 P.M.

Act No. 97-891

S. 96 – Senator Barron

AN ACT

Relating to DeKalb County; amending Section 4 of Act 89-426, 1989 Regular Session (Acts 1989, p. 893), to remove the prohibition against the directors and chair of the DeKalb County Water Authority serving more than two terms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act 89-426, 1989 Regular Session (Acts 1989, p. 893), is amended to read as follows:

“Section 4. The board of directors shall consist of seven directors that shall be appointed by the members of the state Legislature that represent all or any portion of DeKalb County for terms of four years. Provided, however, that initial appointments, as designated by the appointing authority, shall be made so that two directors shall serve for two years, two directors for three years, and three directors for four years, so that the terms of the directors are staggered. All directors shall serve until their successors are appointed and assume office. As soon as may be practicable after the organization of the authority, an election shall be held by the board of directors to elect a chair, vice chair, and a secretary-treasurer. Every two years hereafter, the board shall likewise reorganize itself. Upon the expiration of the initial terms, directors shall serve a term of four years and vacancies shall be filled by the respective appointing authority that made the initial appointment. In the event of a vacancy in office due to death, disability, resignation, or impeachment, the unexpired term of the office shall be filled by appointment by the appointing authority. No officer of the state or of any county or municipality shall, during his or her tenure, be eligible to serve as a director. Each director appointed must be a duly qualified elector of the county he or she represents on the board and the owner of real property in that part of the service area of the authority which lies within that county. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of 1901, and the general laws of the state for impeachment and removal of the officers mentioned in Section 175. The DeKalb County Commission may provide office space, staff, and supplies for the authority.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 11, 1997

Time: 3:51 P.M.

Act No. 97-892

S.J.R. 38 – Senators Dial and Barron

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING ACT 97-558 RELATING TO THE ELECTION OF THE DEKALB COUNTY SUPERINTENDENT OF EDUCATION.

WHEREAS, Section 2 of Act 315, S. 448, of the 1923 Regular Session (Acts 1923, p. 211), relating to the election of the DeKalb County Superintendent of Education, was amended by Act 97-558, S. 472, 1997 Regular Session; and

WHEREAS, the only substantive change between Section 2 of the 1923 Act and the 1997 Act relates to the election of the superintendent by qualified voters of the county residing outside of a municipality served by a city board of education at a regular general election; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intention of the Legislature that Act 97-558 provide that the superintendent shall be elected at the next general election by the qualified voters of the county residing outside of a municipality served by a city board of education. Moreover, it is the intention of the Legislature that Act 97-558 shall not alter the term of office of the currently serving DeKalb County Superintendent of Education.

Approved September 11, 1997

Time: 3:55 P.M.

Act No. 97-893

H. 26 – Reps. Fuller, Curry

AN ACT

Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$300,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds and declares that: Every child is entitled to live in safety and in health and to survive into

adulthood; there are concerns about the adequacy of efforts in this state to identify deaths; and recognizing that no single agency or person is responsible, that multidisciplinary, multiagency child death review teams are methods of achieving the state policy.

Section 2. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **AUTOPSY.** An external and internal examination, medical history and record review.

(2) **CHILD.** A person who has not yet reached his or her eighteenth birthday.

(3) **CHILD DEATHS TO BE REVIEWED.** Those deaths which are unexpected or unexplained.

(4) **COMMUNITY.** The people and area within the local team jurisdiction.

(5) **COUNTY.** The county in which a deceased child resided prior to his or her death.

(6) **INVESTIGATION.** In the context of child death, includes all of the following:

a. A postmortem examination which may be limited to an external examination or may include an autopsy.

b. An inquiry by law enforcement agencies having jurisdiction into the circumstances of the death, including a scene investigation and interview with the child's parents, guardians, or caretakers and the person who reported the child's death.

c. A review of information regarding the child from relevant agencies, professionals, and providers of medical care.

(7) **LOCAL TEAM.** A multidisciplinary, multiagency child death review team established for a county or judicial circuit pursuant to Section 7.

(8) **MEETING.** In-person meetings and conferences as well as those through telephone and other live electronic means. Individual participation in meetings through electronic conferencing may be authorized through the State Team chairperson or designee. Local teams may not meet by electronic means.

(9) **PERSON ACTING IN A PROFESSIONAL CAPACITY.** A health practitioner, law enforcement officer, employee of a local department of social services, undertaker, funeral home director or employee of a funeral home, or firefighter, who is acting in the course of his or her professional duties.

(10) **PROVIDER OF MEDICAL CARE.** Any health practitioner who personally provides, or a facility through which is provided, any medical evaluation or treatment, including dental and mental health evaluation or treatment.

(11) **STATE TEAM.** The State Child Death Review Team.

(12) **UNEXPECTED/UNEXPLAINED.** In referring to a child's death, includes all deaths which, prior to investigation, appear possibly to have been caused by trauma, suspicious or obscure circumstances, child abuse or neglect, or other agents or Sudden Infant Death Syndrome.

Section 3. It is the policy of this state that responding to unexpected/unexplained child deaths is a state and a community responsibility and must include an accurate and complete determination of the cause of death.

Section 4. (a) There is hereby created the State Child Death Review Team, referred to in this act as the State Team.

(b) The State Team shall be situated within the Alabama Department of Public Health for administrative and budgetary purposes.

(c) The State Team shall be a multidisciplinary, multiagency review team, composed of 28 members, the first 7 of whom are ex officio. The ex officio members may designate representatives from their particular departments or offices to represent them on the State Team who may vote and exercise all other prerogatives of the appointment. The members of the State Team shall include all of the following:

- (1) The Jefferson County Coroner, Medical Examiner.
- (2) The State Health Officer who shall serve as chair.
- (3) One member appointed by the Alabama Sheriff's Association.
- (4) The Director of the Alabama Department of Forensic Sciences.
- (5) The Commissioner of the Alabama Department of Human Resources.
- (6) The Commissioner of the Alabama Department of Mental Health and Mental Retardation.
- (7) The Director of the Alabama Department of Public Safety.
- (8) A pediatrician with expertise in SIDS appointed by the Alabama Chapter, American Academy of Pediatrics.

(9) A health professional with expertise in child abuse and neglect appointed by the Alabama Department of Public Health.

(10) A family practice physician appointed by the Alabama Academy of Family Physicians.

(11) A pediatric pathologist appointed by the Alabama Department of Forensic Sciences.

(12) Eight private citizens appointed by the Governor.

(13) A member of the clergy appointed by the Governor.

(14) A representative of the Alabama Coroner's Association.

(15) A representative of the Alabama Network of Children's Advocacy Centers.

(16) A representative of the Alabama Sheriff's Association.

(17) A representative of the Alabama District Attorney's Association.

(18) A specialist in Pediatric Emergency Medicine appointed by the Alabama Medical Association.

(19) A representative of the Alabama Association of Chiefs of Police.

(20) Chair of the Senate Health Committee or his or her designee and the Chair of the House Health Committee or his or her designee.

(d) Members who are not ex officio shall serve for a three-year term and shall not serve more than two consecutive terms. Terms for these members shall be staggered.

(e) Staffing for the State Team shall be provided through the Alabama Department of Public Health using funds appropriated under this act.

(f) The initial meeting of the State Team shall be held within 60 days of enactment. Meetings shall be held at least quarterly thereafter.

(g) Fifteen members shall constitute a quorum for conducting all activities of the State Team which may require a vote among the members. A simple majority of members present constituting a quorum shall be required for any affirmative vote.

Section 5. The purpose of the State Team is to decrease the risk and incidence of unexpected/unexplained child injury and death by undertaking all of the following duties:

(1) Identifying factors which make a child at risk for injury or death.

(2) Collecting and sharing information among State Team members and agencies which provide services to children and families or investigate child deaths.

(3) Making suggestions and recommendations to appropriate participating agencies regarding improving coordination of services and investigations.

(4) Identifying trends relevant to unexpected/unexplained child injury and death.

(5) Reviewing reports from local child death teams and, upon request of a local team, individual cases of child deaths.

(6) Providing training and written materials to the local teams to assist them in carrying out their duties. Such written materials shall include model protocols for the operation of the local teams.

(7) Developing a protocol for child death investigations, and revising the protocol as needed.

The protocol for child death investigations shall not include any activity that causes public scrutiny of the family circumstances surrounding the subject death.

(8) Undertaking a study of the operations of local teams considering training needs and service gaps. If the State Team determines that changes to any statute, regulation, or policy is needed to decrease the risk and incidence of child injury and death, it shall propose and recommend changes to such statute, regulation, or policy in its annual report.

(9) Educating the public in Alabama regarding the incidence ~~and causes of child injury and death and the public role in aiding~~ in reducing the risk of such injuries and deaths. The State Team shall enlist the support of civil, philanthropic, and public service organizations in its performance of its education duties.

(10) Developing and implementing such procedures and policies as are necessary for its own operation.

(11) Providing the Governor and the Legislature with an annual written report which shall include, but not be limited to, the State Team's findings and recommendations for each of its duties; and providing copies of such report to the public.

(12) Determining, by consent of State Team members, what protocols should be followed by team members for providing data and/or information to the State Team as a whole.

(13) Examining confidentiality and access to information laws, regulations, and policies for agencies with responsibilities for children, including health, public welfare, education, social services, mental health, and law enforcement agencies, and determining whether those laws, regulations, or policies impede the exchange of information necessary to reduce the risk of injury and death. If the State Team determines that such laws, regulations, or policies do impede the necessary exchange of information, it shall take prompt steps to propose and recommend changes to the appropriate state agencies.

Section 6. State and local team members shall be immune from any and all civil and criminal liability in connection with their good faith participation on the state or local team and all activities associated therewith, provided however, this immunity shall not be available in the event any state or local team member violates the provisions of confidentiality enumerated in the legislation.

Section 7. (a) There are hereby created local child death review teams.

(b) Each county of the state shall be included in a local multi-disciplinary, multiagency child death review team's jurisdiction. The district attorney shall initiate the establishment of local teams by convening a meeting of potential team members within 60 days of enactment. In the absence of the initiation of a child death review team by the district attorney within sixty days of enactment of this legislation, the local public health representative will initiate the first team meeting. During this meeting, participants shall recommend whether to establish a team for that county alone or to establish a team with and for the counties within that judicial circuit.

(c) The local team shall include, but not be limited to, all of the following members, the first five of whom are ex officio. The ex officio members may designate representatives from their particular departments or offices to represent them on the local team who may vote and exercise all other prerogatives of the appointment. The members of the local team include the following:

- (1) The County Health Officer.
- (2) The Director of the County Department of Human Resources.
- (3) The County District Attorney.
- (4) The Medical Examiner.
- (5) The local coroner.

(6) An investigator with a local sheriff's department who is familiar with homicide investigation.

(7) An investigator with a local police department who is familiar with homicide investigation.

(8) A pediatrician, or if no pediatrician is available a primary care physician, appointed by the County Medical Society.

(9) A representative from a local child advocacy center, if one exists.

(d) The local team shall select a chair from among its members. The chair shall serve a term of three years and may serve more than one consecutive term.

(e) Members who are not ex officio shall serve for a three-year term and may succeed themselves but shall not serve more than two consecutive terms. Terms for these members shall be staggered.

(f) The initial meeting of the local team shall be held within 60 days of enactment.

(g) A quorum for conducting all activities shall be determined by the local team. A simple majority of members present constituting a quorum shall be required for any affirmative vote.

(h) The purpose of the local team is to decrease the incidence of unexpected/unexplained child injury and death by the following means:

(1) Identifying factors which make a child at risk of injury or death.

(2) Sharing information among the agencies which provide services to children and families or which investigate child deaths or provide services.

(3) Improving local investigations of unexpected/unexplained child deaths by participating agencies.

(4) Improving existing services and systems and assisting in the establishment of additional services and systems to fill in gaps in the community.

(5) Identifying trends relevant to unexpected/unexplained child injury and death.

(6) Educating the local public regarding the incidence and causes of child injury and death and the public role in aiding and reducing the risk of such injuries and deaths.

(i) To achieve its purpose, the local team shall perform all the following duties and functions:

(1) Establish and implement a protocol for the local team within two months of receipt of the model protocols from the State Team as required by Section 4 of this act.

(2) Respond by recording all child deaths and reviewing individual unexpected/unexplained child deaths in accordance with protocols from the State Team.

(3) Meet as deemed necessary by the local chair, but not less than annually, to review the status of unexpected/unexplained child death cases, propose recommendations for improving coordination of services and investigations between member agencies, and propose changes within the member agencies which shall reduce the risk and incidence of unexpected/unexplained child injury and death.

(4) Collect data as required for submittal to the State Team.

(5) Provide reports to the State Team following each team meeting which shall include data on child deaths, steps taken to improve coordination of services and investigations, steps taken to implement changes within member agencies, and advice on needed changes to law, policy, and practice which shall aid in reducing the risk and incidence of child injury and death.

(j) At a local team meeting to review unexpected/unexplained child deaths, information shall be provided as specified below, except where otherwise protected by statute, to carry out each of the following of the local team's purpose and duties:

(1) The providers of medical care, the physician representative or the medical examiner, shall provide pertinent health and medical information regarding a child whose death is being reviewed by the local team.

(2) State, county, or local government agencies shall provide all of the following data on forms developed by the State Team for reporting to local child death review teams:

a. Birth information for children who died at less than one year of age including confidential information collected for medical and health use.

b. Death information for children who have not reached their eighteenth birthday.

c. Law enforcement investigative data, medical examiner investigative data, parole and probation information. and records.

d. Medical care, including dental, mental and prenatal health care.

e. Pertinent information from any social services agency that provided services to the child or family.

Section 8. (a) Meetings of the State Team and of local teams shall be closed to the public and not subject to the State Sunshine Law when the State Team or local team is discussing a specific child death.

(b) Information identifying a deceased child, a family member, guardian or caretaker of a deceased child, or an alleged or suspected perpetrator of abuse or neglect upon a child, may not be disclosed during a meeting which is open to the public.

(c) Information regarding the involvement of any agency with the deceased child or family may not be disclosed during a public meeting.

(d) Nothing in this section shall be construed as preventing the State Team or a local team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties.

(e) Any person who intentionally violates any portion of this section commits a Class C misdemeanor and shall be punished as prescribed by law.

Any person who violates the provisions of confidentiality in any proceedings conducted by either a local team or the state team shall be removed from the team in addition to any other penalty.

Section 9. (a) All information and records acquired by the State Team or by a local team, in the exercise of its purpose and duties pursuant to this act, are confidential, exempt from disclosure under Section 41-13-1, Code of Alabama 1975, and may only be disclosed as necessary to carry out the team's duties and purposes.

(b) Reports of the State Team and of a local team which do not contain any information that would permit the identification of any person to be ascertained shall be public information.

(c) Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting may not disclose what transpired at a meeting which is not public under Section 9 of this act, nor shall they disclose any information the disclosure of which is prohibited by this section.

(d) Members of a team, persons attending a team meeting, and persons who present information to a team may release information to such government agencies as is necessary for the purpose of carrying out assigned team duties.

(e) Information, documents, and records of the State Team or of a local team are not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of the team or are maintained by a team.

(f) Moreover, notwithstanding Sections 9(a) and 9(b), those criminal records, court records and other records that have been open to public inspection before passage of this statute shall remain open.

Section 10. The duties of the coroner/medical examiner shall include the following:

(1) Except in locations where a county medical examiner has jurisdiction, the coroner or a person acting in a professional capacity shall report the death of a child by telecommunications to the medical examiner or his or her representative as soon as possible upon discovery.

(2) Upon receipt of a report of a child death, the county medical examiner or state medical examiner shall determine whether the death appears to be unexpected/unexplained. If the death appears to be unexpected/unexplained, the county medical examiner or state medical examiner shall commence an investigation of the death consisting of a postmortem examination conducted by a state or county medical examiner. Upon the recommendation of the state medical examiner, with authorization from a district attorney, an autopsy may be conducted. A county medical examiner may conduct an autopsy at his or her discretion as authorized by existing statutes. This section should not be interpreted as mandating an autopsy. In a case where an autopsy is not performed, the post-mortem examination shall consist of an external examination.

Section 11. There is hereby appropriated from the State General Fund to the Alabama Department of Public Health for the fiscal year ending September 30, 1998, the sum of \$300,000 to be used for the implementation and operations of the State Child Death Review Team program as herein provided.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 11, 1997

Time: 3:56 P.M.

Act No. 97-894

H. 189 – Rep. Turnham

AN ACT

Providing for the per diem compensation of the members of the Lee County Board of Registrars retroactive to October 1, 1995.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lee County Board of Registrars shall receive twenty dollars (\$20) per day from the county in addition to any compensation received from the state.

Section 2. The per diem compensation of twenty dollars (\$20) provided for members of the Lee County Board of Registrars by Section 1 of this act shall be retroactive to October 1, 1995, and all payments of twenty dollars (\$20) per day made to the members since October 1, 1995, are hereby ratified and confirmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 15, 1997

Time: 6:05 P.M.

Act No. 97-895

H. 164 – Rep. Rogers (M)

AN ACT

To repeal Act 97-449, H. 166, 1997 Regular Session, which proposes an amendment to the Constitution of Alabama of 1901, to provide for a ballot committee in Calhoun County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 97-449, H. 166, 1997 Regular Session of the Legislature, is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved September 15, 1997

Time: 6:06 P.M.

Act No. 97-896

H. 89 – Reps. Perdue, Newton (D), Houston

AN ACT

Relating to any Class 1 municipality; to amend Act 97-678, 1997 Regular Session, authorizing the incorporation of an authority as a public corporation for the purposes of providing public transportation service; to provide for the name of the authority; to provide for the selection and appointment of members of the board

of directors of the authority; to provide for the terms of the members of the board of directors of the authority; to provide that members of the board of directors shall not receive compensation for their services and shall only receive reimbursement for actual expenses incurred in the performance of their official duties as approved by the board of directors; to authorize the operation of a transit system within the authorizing county and within any additional county joining the regional system; to provide for compliance by the authority with the bid law of the State of Alabama; to provide that the employees of any acquired transit system, except the executive and administrative officers, shall be assured of employment; to provide that the board of directors of the authority is required to prepare, adopt and implement policies prohibiting unethical conduct by directors and employees of the authority; to provide that the authority may not make gifts or donations of authority funds to any charity; to provide that the employees of the authority shall pay any occupational taxes as required by law and to provide that the authority shall collect and remit the occupational taxes in accordance with existing law; to provide for annual audits of the authority; and to provide that the report of the audit be made and furnished to the governing bodies of the authorizing county, the principal municipality, and each participating municipality; to provide for repeal of Act 993, 1971 Regular Session (Acts 1971, p. 1787); to repeal Act 87-449, 1987 Regular Session (Acts 1987, p. 663) if a transportation authority is affirmed by a majority of voters in the county; to provide for the transfer of funds to the authority if approved by the voters; and to provide for the assumption of all the assets and liabilities of the previous authority by the successor authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act 97-678, H. 915, 1997 Regular Session (Acts 1997, p. 1308), now appearing as Section 11-49B-4 of the Code of Alabama 1975, is amended to read as follows:

“§11-49B-4.

“Within 40 days after the adoption of an authorizing resolution by the last governing body to adopt an authorizing resolution if the governing bodies of both the county and the municipality with which the applications were filed have adopted authorizing resolutions, the applicants shall proceed to incorporate an authority by filing for record in the office of the judge of probate of the authorizing county a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided. The certificate of incorporation of the authority shall state:

“(1) The names of the persons forming the authority, and that each of them is a duly qualified elector of the authorizing county.

“(2) The name of the authority which shall be “The (insert name of the authorizing municipality Area Regional Transit Authority.”

“(3) The period for the duration of the authority (if the duration is to be perpetual, subject to the provisions of Section 11-49B-19, that fact shall be stated).

“(4) The names of the authorizing county and the authorizing municipality, together with the dates on which the governing bodies adopted authorizing resolutions.

“(5) The location of the principal office of the authority, which shall be in the authorizing county.

“(6) That the authority is organized pursuant to this chapter for the purpose of supplying public transportation service in the authorizing county.

“(7) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this chapter or with the laws of the state. The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it the following:

“a. A copy of each application filed with the governing bodies of the authorizing county and the authorizing municipality in accordance with Section 11-49B-3.

“b. A certified copy of each of the authorizing resolutions adopted by the governing bodies of the authorizing county and the authorizing municipality.

“c. A certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or similar to the name of another corporation that would lead to confusion and uncertainty.

“Upon the filing for record of the certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the names set forth in the certificate of incorporation. The judge of probate shall send a notice to the Secretary of State that the certificate of incorporation of the authority has been filed for record.”

Section 2. Section 6 of Act 97-678, H. 915, 1997 Regular Session (Acts 1997, p. 1308), now appearing as Section 11-49B-6 of the Code of Alabama 1975, is amended to read as follows:

“§11-49B-6.

“(a) Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization. The board shall initially be composed of 10 directors, but may be increased to a maximum of 15 directors if additional counties join the regional system. The directors of the

authority shall be appointed as follows:

“(1) The president or the county commission in the county where the authority is organized shall appoint three members of the board of directors for the county commission with one appointee being an elected county official. All appointees shall be subject to confirmation by the county commission.

“(2) The mayor of the Class 1 municipality shall appoint three members of the board of directors for the city with one appointee being an elected city official. All appointees shall be subject to confirmation by the city council.

“(3) The president of the mayors association of the county where the authority is organized shall appoint three members of the board of directors with one being a member of the mayors association.

“(4) The president of the area regional transportation authority citizens advisory committee in the Class 1 municipality shall be a member of the board.

“(5) Any county that borders Jefferson County may join the regional system provided that the county shall meet all of the requirements of Section 11-49B-22, including the submittal and passage of a referendum authorizing the levy of a 1/4 percent privilege license tax against gross sales and gross receipts in the county. The president of the county commission of any county joining the regional system shall appoint one member to the board of directors of the regional system.

“(b) The terms of the members of the board of directors shall be as follows:

“(1) The terms of the three members appointed by the president of the county commission where the authority is organized shall expire as follows:

“a. The term of the first member shall expire on September 30, 1998, and every fourth year thereafter.

“b. The term of the second member shall expire on September 30, 1999, and every fourth year thereafter.

“c. The term of the third member shall expire on September 30, 2000, and every fourth year thereafter.

“(2) The terms of the members appointed by the mayor of the Class 1 municipality and confirmed by the city council shall expire as follows:

“a. The term of the first member shall expire on September 30, 1998, and every fourth year thereafter.

“b. The term of the second member shall expire on September 30, 1999, and every fourth year thereafter.

“c. The term of the third member shall expire on September 30, 2000, and every fourth year thereafter.

“(3) The terms of the members appointed by the president of the mayors association located in the county where the authority is organized shall expire as follows:

“a. The term of the first member shall expire on September 30, 1998, and every fourth year thereafter.

“b. The term of the second member shall expire on September 30, 1999, and every fourth year thereafter.

“c. The term of the third member shall expire on September 30, 2000, and every fourth year thereafter.

“(4) The term of all other members of the board of directors appointed by the president of the county commission of any county joining the regional system shall expire a year from October 1 of the year of their appointment, and every four years thereafter.

“(c) When the term of a member expires, the appointing authority shall appoint a new member for a full term. If a vacancy occurs, within 90 days of the vacancy the appropriate appointing authority shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

“(d) The appropriate appointing authority may remove a member of the board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member, malfeasance, violation of this chapter, or conviction of a felony or other crime of moral turpitude.

“(e) Members of the board of directors shall not receive compensation for their service on the board, and shall only receive reimbursement for actual expenses incurred in the performance of their official duties as approved by the board of directors.”

Section 3. Section 7 of Act 97-678, H. 915, 1997 Regular Session (Acts 1997, p. 1308), now appearing as Section 11-49B-7 of the Code of Alabama 1975, is amended to read as follows:

“§11-49B-7.

“The authority shall exercise, subject to this chapter, the following powers and duties necessary to the discharge of its powers and duties in corporate form:

“(1) To have succession by its corporate name for the duration of time, which may be perpetual, subject to the provisions of Section 11-49B-19 specified in its certificate of incorporation.

“(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it.

“(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

“(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business.

“(5) To acquire, receive and take, by purchase, gift, lease, devise, or otherwise, and to hold property of every description, real, personal, or mixed, whether located in one or more counties or municipalities and whether located within or outside the authorizing county.

“(6) To make, enter into, and execute contracts, agreements, leases, and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted under this chapter.

“(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, and operate transit systems, within the authorizing county and within any additional county joining the regional system, and without any requirement that the transit systems be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises, and easements deemed necessary or desirable in connection with the system.

“(8) To provide public transportation service within the authorizing county or in any part of the county upon any reasonable terms and for any reasonable rates and consideration as the board may prescribe.

“(9) To provide charter service within the state upon any terms and for any consideration as the board may prescribe, and to use or operate any part of any transit system owned by the authority in service subject to the regulation and approval of the Alabama Public Service Commission.

“(10) To sell and issue bonds of the authority in order to provide funds for any corporate function, use, or purpose with the bonds to be payable solely from the sources specified in Section 11-49B-9.

“(11) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any transit system or

any part of the transit system that may be acquired by the authority, any obligation assumed to be payable by the authority solely from the sources from which bonds of the authority may be made payable pursuant to Section 11-49B-9.

“(12) To pledge for payment of any bonds issued or obligations assumed by the authority any revenues from which those bonds or obligations are made payable as provided by this chapter.

“(13) To execute and deliver, in accordance with this section, Sections 11-49B-9 and 11-49B-10, mortgages, and deeds of trust and trust indentures, or either.

“(14) To exercise the power of eminent domain in the manner provided in and subject to Chapter 5 of Title 10. The authority is not authorized to acquire without the consent of the owner any transit system from which public transportation service is currently being furnished. The authority shall not by eminent domain acquire any real property or rights owned or held by public or private railroads or utilities.

“(15) To expend funds for the purchase or lease of materials, equipment, supplies, or other personal property in compliance with Article 3 of Chapter 16 of Title 41.

“(16) Without regards to Article 3 of Chapter 16 of Title 41, or any law establishing a civil service or merit system that might otherwise be applicable, to appoint, employ, contract with, and provide for the compensation of, officers, employees, and agents, including, but without limitation to, engineers, attorneys, management consultants, and fiscal advisers, as the business of the authority may require, and it may provide a system of disability pay, employee insurance, retirement compensation, and pensions.

“(17) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the authority.

“(18) To provide for any insurance as the board may deem advisable.

“(19) To invest any funds of the authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits, or any combination.

“(20) To cooperate with the United States of America, or its agency or instrumentality, the state, any county, municipality or other political subdivision of the state and any public corporation

organized under the laws of the state and to make contracts with them, or any of them, as the board deems advisable to accomplish the purposes for which the authority was established.

“(21) To sell and convey its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any transit system of the authority.

“(22) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of the system, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system, or any portion of the system conveyed and the property and income of which are not subject to taxation. The sale and conveyance shall be made only with the consent of the authorizing county, the principal municipality, and each participating municipality, with the consent to be evidenced by a resolution adopted by the governing body of each consenting county and municipality, and only if the conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the authority is a party.

“(23) To enter into agreements with all or any part of the employees of the authority or with any groups or associations representing the employees.

“(24) To enter into a management agreement or agreements with any person for the management by or for the authority of any transit system upon any mutually agreeable terms and conditions.

“(25) To require that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work for the authority be paid wages at rates not less than those prevailing on similar construction in the locality where the work is performed as determined by the United States Secretary of Labor or any department, agency, or instrumentality of the United States or of the state.

“(26) If the authority acquires an existing transit system to enter into an arrangement necessary to protect the interest of employees of the acquired system including, without limiting the generality of the foregoing:

“a. The preservation of rights, privileges, and benefits including continuation of pension rights and benefits under existing agreements.

“b. The protection of individual employees against a worsening of their positions with respect to their employment.

"c. Assurance of employment to the employees of acquired transit systems, except executives and administrative officers, and priority of reemployment of the employees terminated or laid off.

"d. Paid training and retraining programs.

"(27) To fix and revise from time to time reasonable rates, fees, and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the authority, and to collect all charges made by it.

"(28) Promptly after the initial 10 members of the board of directors are appointed, the board of directors of the authority shall prepare, adopt, and implement a set of policies that shall govern, and set standards for, the conduct of all members of the board of directors of the authority and all employees of the authority. The policy shall provide penalties for the violation of the policy. The policy shall prohibit unethical conduct and shall require the directors and employees of the authority to comply with all the provisions of the policy which shall include, but not necessarily be limited to, the provisions of the code of ethics for public officials and employees as provided for in Section 36-25-1 et seq. and rules and regulations promulgated thereunder by the State Ethics Commission. The matters to be covered by the policy shall include, but not be limited to the following:

"a. The expenses for which directors and employees may be reimbursed and the method of keeping records for the expenses and the requirements for the reimbursement of the expenses.

"b. Business dealings and contracts between the authority and directors or employees of the authority and business dealings between the authority and members of the family of directors or employees of the authority.

"(29) Nothing in this chapter shall be construed to permit an authority to make a gift or donation of the funds of authority to a charity.

"Nothing in this chapter shall be construed to permit an authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip, or operate any property or transit system located outside the authorizing county, except in the provision of charter service within the state."

Section 4. Section 14 of Act 97-678, H. 915, 1997 Regular Session (Acts 1997, p. 1308), now appearing as Section 11-49B-14 of the Code of Alabama 1975, is amended to read as follows:

"§11-49B-14.

"(a) The property and income of the authority, all bonds issued by the authority, the income from the bonds, conveyances by or to

the authority, and leases, mortgages, and deeds of trust by or to the authority shall be exempt from the following:

“(1) All taxation in the State of Alabama.

“(2) All taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an authority may engage in.

“(b) The authority shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

“(c) The employees of the authority shall pay any occupational taxes required by law, and the authority shall collect and remit the occupational taxes in accordance with existing law.”

Section 5. Section 17 of Act 97-678, H. 915, 1997 Regular Session (Acts 1997, p. 1308), now appearing as Section 11-49B-17 of the Code of Alabama 1975, is amended to read as follows:

“§11-49B-17.

“Within 30 days of the beginning of the fiscal year of an authority, the board shall adopt a budget for the fiscal year. The budget may be amended by a resolution of the board at any time. Within 30 days following the close of each fiscal year the authority shall cause an audit of its books and records to be made for the fiscal year by an independent certified public accountant. Within 90 days following the close of each fiscal year, the authority shall furnish a copy of the report of the audit to the governing bodies of the authorizing county, the principal municipality and each participating municipality.”

Section 6. Section 23 of Act 97-678, 1997 Regular Session (Acts 1997, p. 1308), is amended to read as follows:

“Section 23. (a) On the first day of the second month following the election as called by the county commission at which a majority of the votes cast at the election are affirmative votes, as provided in this chapter, all laws or parts of laws which conflict with this chapter are repealed, and specifically Act 993, H. 1089, 1971 Regular Session (Acts 1971, p. 1787), as amended, is repealed.

“(b) On the first day of the second month following the election as called by the county commission at which a majority of the votes cast at the election are affirmative votes as provided in this chapter, Act 87-449, H. 543, 1987 Regular Session (Acts 1987, p. 663) is repealed. All payments due to any authority created

under Act 993 of the 1971 Regular Session, as amended, (hereafter called the "previous authority"), and which are required or authorized by Act 87-449, 1987 Regular Session, shall be paid to the authority on a pro rata basis through the last day of the first month following the election as called by the county commission at which a majority of the votes cast are affirmative votes as provided in this chapter. The tax collector of the county in which the authority incorporated pursuant to this chapter is organized shall not disburse any funds to the previous authority which would apply to the period after the last day of the first month following the election.

"(c) On the first day of the second month following the election at which a majority of the votes cast are affirmative votes as provided in this chapter, and upon the filing of a certificate of incorporation of an authority pursuant to this chapter, the certificate of incorporation of any previous authority is repealed. The authority created pursuant to this chapter shall be the successor in all respects to the previous authority and shall assume all of the assets and liabilities of the previous authority as of the date of the filing of a certification of incorporation pursuant to this chapter. Any and all persons, entities, or governmental agencies, whether city, county, state, or federal, which paid or were obligated to pay the previous authority are hereby authorized and directed to pay any sums due from the person, entity, or governmental agency to the authority incorporated pursuant to this chapter."

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 15, 1997

Time: 6:07 P.M.

Act No. 97-897

H. 73 – Reps. Fuller, Curry, Boyd

AN ACT

To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,506,144 for the fiscal year ending September 30, 1998, for educational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Public Health from the State General Fund for the fiscal year ending September 30, 1998, the sum of \$11,506,144 for the following:

- (a) Health Support Services Program6,992,539
The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health.
- (b) Personal Health Services Program.....2,978,605
The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services.
- (c) Rural Nurses Training Program700,000
Of the above appropriation \$550,000 shall be expended for the continuation of the Southern Union Community College Rural Nursing Program and \$150,000 shall be expended at Central Alabama Community College.
- (d) Osteoporosis Education Program185,000
- (e) HIV Education150,000
- (f) Health Related Training Programs150,000
The above appropriation shall be expended for Health Related Training Programs at Shelton State Community College.
- (g) Cooper Green Community Health
Development Programs150,000
- (h) Nurses Training Program200,000
The above appropriation shall be expended at Jefferson State Community College.

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandate immunization of pre-school children and primary preventive health education.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective on October 1, 1997.

Approved September 15, 1997

Time: 6:08 P.M.

Act No. 97-898

H. 65 – Reps. Morrison, Graham, Drake

AN ACT

To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997, to boards of education in Cullman County, Madison County, Tallapoosa County, Montgomery County, Elmore County, and Lamar County for capital outlay purposes for the replacement of, or repairs to, schools damaged by fire or natural disaster; to make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same boards of education in the event the conditional appropriations made by this act for the fiscal year ending September 30, 1997 are not released; and to make absolute appropriations from the Education Trust Fund for the fiscal year ending September 30, 1999, to the same boards of education in the event the conditional appropriations made by this act for the fiscal years ending September 30, 1997 and 1998, are not released.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated to the following local boards of education from the Education Trust Fund the following amounts for the fiscal year ending September 30, 1997, to be conditioned on the availability of funds in the Education Trust Fund and the approval of the Governor. These conditional appropriations shall be used for capital outlay purposes for the replacement of or repairs to schools damaged by fire or natural disaster as follows:

- (1) Cullman County Board of Education.....\$3,000,000.
- (2) Madison County Board of Education for Madison
County High School\$150,000.
- (3) Tallapoosa County Board of Education for
Reeltown High School.....\$620,000.
- (4) Montgomery County Board of Education\$400,000.
- (5) Elmore County Board of Education.....\$300,000.
- (6) Lamar County Board of Education.....\$250,000.
- (7) University of Montevallo Board of Trustees\$450,000.

(8) Any cost not covered by insurance for Priceville School will be covered by this amendment.

Section 2. In the event the conditional appropriations provided for in Section 1 are not released in full by the Governor, those amounts are hereby appropriated in the same amounts to the same entities for the same purposes from the Education Trust Fund for the fiscal year ending September 30, 1998, to be conditioned on the availability of funds in the Education Trust Fund and the approval of the Governor. In the event some portion of the conditional appro-

priations are released in fiscal year 1997, only the amounts necessary to obtain the amounts provided in Section 1 are hereby conditionally appropriated from the Education Trust Fund for the fiscal year ending September 30, 1998, contingent upon the availability of funds in the Education Trust Fund and the approval of the Governor.

Section 3. In the event the conditional appropriations provided for in Sections 1 and 2 are not released in full by the Governor, those amounts are hereby appropriated in the same amounts to the same entities for the same purposes from the Education Trust Fund for the fiscal year ending September 30, 1999. In the event some portion of the conditional appropriations are released in either fiscal year 1997 or in fiscal year 1998, only the amounts necessary to obtain the amounts provided in Section 1 are hereby appropriated from the Education Trust Fund for the fiscal year ending September 30, 1999.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 15, 1997

Time: 7:15 P.M.

Act No. 97-899

H. 48 – Rep. Burke

AN ACT

To make an appropriation of two hundred fifty thousand dollars (\$250,000) from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of one hundred thousand (\$100,000) from the State General Fund in the State Treasury to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997, an appropriation of one hundred thousand (\$100,000) from the State General Fund to the Madison County Commission for damages caused by tornadoes for the fiscal year ending September 30, 1997, and an appropriation of one hundred thousand (\$100,000) to the City of Bayou La Batre for the fiscal year ending September 30, 1997.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The sum of two hundred fifty thousand dollars (\$250,000) is appropriated from the State General Fund in the State Treasury to the City of Rainsville in DeKalb County for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(b) The sum of one hundred thousand dollars (\$100,000) is appropriated from the State General Fund in the State Treasury

to the City of Athens in Limestone County for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(c) The sum of one hundred thousand dollars (\$100,000) is appropriated from the State General Fund in the State Treasury to the Madison County Commission for damages caused by tornadoes for the fiscal year ending September 30, 1997.

(d) The sum of one hundred thousand dollars (\$100,000) is appropriated from the State General Fund in the State Treasury to the City of Bayou La Batre for the fiscal year ending September 30, 1997.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 15, 1997

Time: 8:08 P.M.

Act No. 97-900

S. 103 – Senators Figures, Myers,
and Windom

AN ACT

Relating to the State Docks Department; to specify that the department is authorized to comply with its obligations under the Railway Labor Act, including the duties to make all agreements concerning rates of pay and working conditions and to settle and resolve all disputes with employees covered under the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any provision of law to the contrary, the state, acting through the State Docks Department, is hereby authorized to comply with any and all duties imposed upon it, and to satisfy any and all obligations it may have arising under the Railway Labor Act, 45 U.S.C. Section 151, et seq., with respect to employees of the department who are subject to the act, including the duties to make written agreements concerning rates of pay, rules, working conditions, and all other lawful subjects, and to compromise, settle, and resolve all disputes with employees or their lawfully designated representatives, whether arising out of the application of agreements or otherwise, through the procedures prescribed in the act.

Section 2. This act is declaratory of, and does not constitute a change in, existing law.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved September 15, 1997

Time: 8:25 P.M.

Act No. 97-901

H. 136 – Reps. Johnson (R), Carothers
AN ACT

To amend Sections 40-26B-20 to Section 40-26B-27, inclusive, Code of Alabama 1975, relating to adding a supplemental privilege tax on the business activities of nursing facilities within the State of Alabama, to place an annual aggregate cap on the privilege tax and supplemental privilege tax of 6% of total revenues received by nursing facilities, to provide clarifying language relative to certain Medicaid program nursing facility reimbursement requirements, and to provide that unless a bill to continue or establish the supplemental privilege tax is passed by both houses of the Legislature and enacted into law, it will terminate on December 31, 1999.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-26B-20 to 40-26B-27, inclusive, Code of Alabama 1975, are amended to read as follows:

§40-26B-20.

“The following words, terms, and phrases shall have the following meanings.

“(1) **BED.** Any bed that is licensed by the Alabama Department of Health and its successor agency to provide nursing home care which is in a nursing facility.

“(2) **DEPARTMENT.** The Department of Revenue of the State of Alabama.

“(3) **FISCAL YEAR.** An accounting period of 12 months beginning on the first day of the first month of the state fiscal year.

“(4) **MEDICAID PROGRAM.** The medical assistance program as established in Title XIX of the Social Security Act and as administered in the State of Alabama by the Alabama Medicaid Agency pursuant to executive order and Title 560 of the Alabama Administrative Code.

“(5) **NURSING FACILITY.** An institution which is licensed under the laws of the State of Alabama as a skilled nursing facility or an intermediate nursing facility.

"Nursing facility shall not include any facility owned or operated by, or operating under an exclusive contract with, the State of Alabama or any agency thereof, or any nursing facility/institution for the developmentally disabled (NF/IDD).

"(6) NURSING FACILITY/INSTITUTION FOR THE DEVELOPMENTALLY DISABLED. A nursing facility that provides care only to physically and mentally disabled residents who are 18 years of age or less.

"§40-26B-21.

"To provide further for the availability of indigent health care, the operation of the Medicaid program, and the maintenance and expansion of medical services:

"(a) There is levied and shall be collected a privilege tax on the business activities of every nursing facility in the State of Alabama. The privilege tax imposed is in addition to all other taxes, and shall be at the annual rate of \$999.96 for each bed in the nursing facility.

"(b) There is levied and shall be collected a supplemental privilege tax on the business activities of every nursing facility in the State of Alabama. The supplemental privilege tax imposed is in addition to all other taxes, including without limitation, the privilege taxes provided for under this article, and shall be at the annual rate of \$200.04 for each bed in the nursing facility. This supplemental privilege tax shall automatically terminate and become null and void on December 31, 1999, unless a bill to continue or reestablish the supplemental privilege tax shall be passed on both houses of the Legislature and enacted into law.

"(c) The total privilege taxes paid by a nursing facility pursuant to this article shall be considered an "allowable costs" as that term is defined in the reimbursement methodology for nursing facilities contained in Title 560 of the Alabama Administrative Code, and, to the extent permitted under applicable federal law governing the Alabama Medicaid nursing home program, the total taxes paid must be included in the computation of the Medicaid per diem rate determined under the reimbursement methodology for nursing facilities contained in Title 560 of the Alabama Administrative Code. In the event that any portion of the privilege taxes paid by a facility cannot be included in the computation of the Medicaid per diem because of the effect of any cost ceiling provision of the reimbursement methodology, the cost ceiling must be adjusted to ensure continued treatment of the total privilege tax as an allowable cost.

"(d) The privilege tax rate or the supplemental privilege tax rate shall be reduced by the department upon the advice of the

Alabama Medicaid Agency if, but only if, such reduction is required to ensure that the total revenues to the State of Alabama produced by this privilege tax or, if the supplemental privilege tax is in effect, the aggregate of the supplemental privilege tax and the privilege tax, during any State fiscal year are less than or equal to six percent (6%) of the total revenues received by the nursing facilities in the State subject to the tax during that same fiscal year.

“§40-26B-22.

“(a) The taxes imposed by this article shall be due and payable in monthly installments to the department on or before the tenth day of the month next succeeding the month in which the tax accrues, and shall, when collected, be paid by the department into the State Treasury. Payment by United States mail will be timely if mailed in accordance with Section 40-1-45. When so paid into the state treasury, all such taxes shall be deposited to the credit of the Alabama Health Care Trust Fund or any successor fund administered by or on behalf of the Alabama Medicaid Agency.

“(b) The receipts from the taxes levied in this article shall be solely available for appropriation by the Alabama Legislature to the Alabama Medicaid Agency for use by said agency in accomplishing the purposes of this article. Provided, however, for the first fiscal year in which this article is effective, to defray its expenses including salaries and costs of operation incident to the collection of this tax, there is hereby appropriated to the department and shall be deducted as a first charge thereon, an amount not to exceed one percent of the revenues collected pursuant to this article. Such amount of money as shall be appropriated for each succeeding fiscal year by the legislature to the department with which to pay the salaries, the cost of operation and the management of the department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to said article. Provided, however, the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year, incident to the collection of this tax.

“§40-26B-23.

“(a) On or before the tenth of each month, beginning October 1991, each nursing facility subject to this article shall file with the department a statement under penalty of perjury on forms prescribed by said department, showing the total number of beds as of the last day of the previous month, the taxes due under this article, and such other reasonable and necessary information as the department, after consultation with the Alabama Medicaid Agency

and adoption of appropriate rules and regulations, may require for the proper enforcement of the provisions of this article. At the time of filing such statement the nursing facility shall pay to the department the amount of taxes shown to be due.

“(b) The annual taxes levied by this article shall be prorated on a month by month basis for any beds added to or subtracted from the nursing facility during the fiscal year except that, for any nursing facility which adds licensed beds after July 1, 1991, and has a monthly total occupancy rate of less than 85 percent according to Medicaid program methodology, the amount due for each such month shall be determined by prorating the annual taxes due per bed on a daily basis and multiplying said amount times the total number of patient days furnished in such month by said facility. This exception shall cease as of the first month that the occupancy rate of the nursing facility equals or exceeds 85 percent.

“(c) Any nursing facility that fails to pay the taxes levied by this article within the time required by this article shall pay, in addition to the taxes, a penalty of 10 percent of the amount of taxes due, together with interest thereon at the rate prescribed by Section 40-1-44, such penalty and interest to be assessed and collected as part of the taxes. Provided, however, the department, if a good and sufficient reason is shown, may waive or remit the penalty of 10 percent or a portion thereof. If payment is not received by the last day of the month, the department shall notify the Alabama Medicaid Agency, which shall withhold the payment, interest and penalty owed from any reimbursement due said nursing facility under the Medicaid program. The taxes levied by this article shall constitute a debt due the State of Alabama and may be collected by civil action in addition to the methods provided in this article. The department is empowered to assess, file tax liens and collect the taxes levied by this article, as prescribed in this title.

“§40-26B-24.

“(a) It shall be the duty of each nursing facility subject to this article to keep and preserve such suitable books and records as may be necessary to determine the amount of taxes for which it is liable under the provisions of this article. Said books and records shall be kept and preserved for a period of not less than three years, and all such books and records shall be open for examination during business hours by the department or its duly authorized agents.

“(b) All information secured pursuant to this article by the department shall be confidential, as prescribed by Section 40-2A-10, except that the department may provide such information to the

Alabama Medicaid Agency as necessary for the proper administration of the Medicaid program, or for the department's proper administration of the taxes levied by this article.

“(c) The department shall from time to time, as it deems desirable, and after consultation with the Alabama Medicaid Agency, promulgate such reasonable rules and regulations as necessary to provide for the orderly and efficient administration of the tax levied by this article.

“§40-26B-25.

“(a) The Alabama Medicaid Agency shall use the revenues from the tax in furtherance of the purposes of this article, provided that any uses shall be limited to those for which federal financial participation under Title XIX of the Social Security Act is available.

“(b) Any reimbursement due a nursing facility under the Medicaid program shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama Medicaid Agency within 30 days of the due date, interest on the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

“§40-26B-26.

“(a) No revenues resulting from the tax established by this article and applied to increases in covered services or reimbursement levels or other enhancements of the Medicaid program shall be subject to reduction or elimination while said tax is in effect.

“(b) While the supplemental privilege tax provided in this article is in full force and effect, every nursing facility participating in the Medicaid program in the State of Alabama shall be reimbursed according to the reimbursement methodology contained in Chapter 560-X-22 of the Alabama Medicaid Agency Administrative Code (Supp. 12/31/95) on January 31, 1998, which methodology is incorporated by reference herein, except that the following shall apply:

“(1) The ceiling for the operating cost center described in Title 560-X-22-.06 (2)(a) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95) shall be computed at the median plus 5%.

“(2) The ceiling for the direct patient care cost center described in Title 560-X-22-.06 (2)(b) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95) shall be computed at the median plus 10%.

“(3) The Medicaid Inflation Index described in Title 560-X-22-.07 of the Alabama Medicaid Agency Administrative Code (Supp. 12/95)

shall be computed without regard to the trend factor variance described in Title 560-X-22-.07 (5) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95).

“(4) In calculating the ceiling for the operating cost center, the direct patient care cost center or the indirect patient care cost center, any increase in that ceiling over such ceiling set in the year next preceding, shall not exceed an amount equal to the product of such ceiling for the previous year times the sum of the Medicaid Inflation Index, described in Title 560-X-22-.07 of the Alabama Medicaid Agency Administrative Code (Supp. 12/95), plus 4%.

“(5) In determining the reimbursement in any fiscal year to a nursing facility for certain specialized medical equipment as described in Title 560-X-22-.14 (19) of the Alabama Medicaid Agency Administrative Code (Supp. 12/95), there shall be added to the daily Medicaid per diem computed for that fiscal year, without regard to the cost of such specialized medical equipment, an amount equal to the actual cost of such specialized medical equipment utilized for Medicaid residents during the fiscal year next preceding and divided by the actual number of Medicaid patient days incurred during that preceding fiscal year. For the purpose of this paragraph the terms Medicaid patient days, Medicaid per diem rate, and fiscal year shall have the meanings assigned to them in Title 560-X-22 et. seq. of the Alabama Medicaid Agency Administrative Code (Supp. 12/95).

The provision contained in this subparagraph shall automatically terminate and become null and void on December 31, 1999; unless a bill to continue or reestablish the provision contained in this subparagraph is passed in both houses of the Legislature and enacted into law.

“(c) Payments by the Medicaid Program to each nursing facility for nursing home services shall be sufficient to cover the costs determined by generally accepted accounting principles incurred by each such nursing facility in providing care in an economical and efficient manner and that is adequate to permit the provision of care and services necessary to attain or maintain the highest practicable, physical, mental, and psychosocial well-being of each resident eligible for Alabama Medicaid nursing home benefits in conformity with applicable state and federal laws, rules and regulations and quality and safety standards.

“(d) Upon the supplemental privilege tax provided in this article becoming effective, there shall be appointed a task force to study Alabama Medicaid nursing home reimbursement. The task force shall engage a nationally-recognized firm with broad experience in Medicaid nursing home reimbursement matters to assist in the study and the preparation of the task force’s report and recommendations.

This study shall focus on the development of an acuity-based, case-mix adjusted Medicaid nursing home reimbursement system that has incentives for saving costs and maintaining high quality of care, and provides a reasonable return to providers. The study may extend to other areas as the task force shall deem advisable. The task force members shall be appointed as follows:

“(1) By the Governor of the State of Alabama, three members.

“(2) By the Lieutenant Governor of the State of Alabama, three members.

“(3) By the Speaker of the House of Representatives, three members.

“The task force shall commence its work upon the earlier of November 1, 1997, or the appointment of at least six members. The appointments to the task force shall be made by October 15, 1997. If any official entitled to appoint members to the task force shall fail to make such appointments required under this article, then within fifteen (15) days after the time prescribed herein, such appointments to the task force shall be made as follows: In the case of the appointments to be made by the Governor, by the Lieutenant Governor; in the case of the appointments to be made by the Lieutenant Governor, by the President Pro-Tem of the Alabama Senate; and in the case of the appointments to be made by the Speaker of the House of Representatives, by the Speaker Pro-Tem of the Alabama House of Representatives. In addition to the nine appointed members, the Alabama Medicaid Commissioner, the Alabama State Health Officer, and the President of the Alabama Nursing Home Association shall each serve as an ex-officio member of the task force. The task force shall not later than sixty days prior to the first day of the 1999 Regular Session of Legislature prepare and submit its report and recommendations to the Governor and the Medicaid Oversight Committee of the Legislature. Staff, office, equipment, and other expenses incurred by the task force shall be paid by the Department of Public Health from funds of that department.

“§40-26B-27.

“This article shall be of no effect if federal financial participation under Title XIX of the Social Security Act is not available to the Alabama Medicaid program for the purposes of this article at the approved federal medical assistance percentage, established under section 1905 of the Social Security Act, for the applicable fiscal year.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law and shall apply to all taxes due and payable on or after September 30, 1997

Passed the Governor's veto to the contrary notwithstanding, on September 15, 1997.

Act No. 97-902

H. 95 – Rep. Morrow

AN ACT

Relating to Franklin County; to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate; to provide the collection and disposition of a special recording fee; and to provide that the system shall constitute official and permanent records in Franklin County.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies only in Franklin County. The purpose of this act is to facilitate the use of public records in property transactions in Franklin County by providing for the installation of an improved system of recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of the judge of probate and for the recording, archiving, and retrieving of other instruments, documents and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

(a) "General Property Instrument" means a real property instrument that affects the title to personal property as well as **real property**.

(b) "Improved Recording System" means a system of recording, archiving, and retrieving real property, personal property instruments, and probate court documents under the jurisdiction of the judge of probate, and in the discretion of the judge of probate, or recording, archiving, and retrieving other instruments and documents, which system when completed, will consist of equipment necessary and suitable to record, archive, and retrieve records.

(c) "Personal Property Instrument" means any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter titled for record in the probate office, in accordance with the applicable requirements of the law of this state, including, and particularly Sections 34-4-50 and 35-4-90, Code of Alabama 1975.

(d) "Real Property Instrument" means and includes any instrument or document affecting the title to real property that may now, or hereafter, be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, but without limitation to, Section 12-12-43, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgment, and plats or maps showing subdivisions of real estate.

Section 3. The judge of probate may provide for the installation and thereafter for the maintenance of an improved recording, archiving, and retrieval system in the probate offices of Franklin County. The initial installation of the improved recording, archival, and retrieval system shall include the following:

(a) The acquisition of the equipment provided for in the definition of an improved recording, archiving, and retrieving system.

(b) The establishment of procedures for the continued recording, archiving, and retrieving of all instruments and records that will, after the effective installation date, constitute a part of the improved recording, archiving, and retrieving system.

(c) The initial installation of the improved recording, archiving, and retrieving system shall be performed by a person or persons, firm, or corporation engaged in the records management business and experienced in setting up county records, and the initial installation shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts and titles. Following its installation in the county, the improved recording, archiving, and retrieving system shall be thereafter maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with existing law, including, without limitation, Section 12-13-43 of the Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be recorded, archived, and retrieved with computer-generated files, to be stored and filed on either optical disk, or on paper (as seen fit by county), and shall constitute the official record of the instruments for the purpose of Section 12-13-43, Code of Alabama 1975.

Section 5. All laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording, archiving, and retrieving system installed hereunder, including, without limitation, Section 12-13-43 of the Code of Alabama 1975, and all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declarations of claims or exemption, certificates of judgment, or plats or maps showing subdivisions of real estate that are not inconsistent with this act shall continue in effect with respect to an improved recording, archiving, and retrieving system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the special recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the cost of purchasing, operating, or maintaining, after the initial installation, any improved system installed pursuant to this act.

Section 7. Effective immediately after the date this act becomes applicable to Franklin County, a special recording and filing fee of five dollars (\$5) shall be paid to and collected by its judge of probate, with respect to each real property instrument, each personal property instrument, and each UCC filing that may be filed for record in the office of judge of probate and with respect to other instruments and documents in the probate office at the discretion of the judge of probate and on and after that date, no instrument or document shall be received for record in the office of the judge of probate unless the special recording fee of five dollars (\$5) is paid thereon. The special recording fee shall be in addition to all other fees, taxes, and charges required by law to be paid upon the filing for record of any real property instrument, personal property instrument, or UCC filing, and for the recording of other instruments and documents in the probate office at the discretion of the judge of probate. Any, all, or none of the special recording fee may be charged at the discretion of the judge of probate. All special recording fees so collected shall be paid into a special fund of the judge of probate. These funds shall be used at the discretion of the judge of probate for an improved recording, archiving, and retrieving system or for other equipment, maintenance, and services necessary for the improvement of the office of the judge of probate. The above fee may be adjusted from time to time by the Franklin County Commission with the approval of the judge of probate.

Section 8. Effective immediately upon the date this act becomes applicable to Franklin County, a special recording fee of ten dollars (\$10) shall be paid to and collected by the judge of probate with respect to every court case filed in the probate court of Franklin County. The special recording fee shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 9. Effective immediately upon the date this act becomes applicable to Franklin County, a special transaction fee of two dollars (\$2) shall be paid to and collected by its judge of probate with respect to every transaction not covered by Section 7 or Section 8 occurring in, or under the jurisdiction of, the office of the judge of probate, which amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the special fund of the judge of probate as created in Section 7 of this act.

Section 10. Effective immediately upon the date this act becomes applicable to Franklin County, any and all revenues generated either directly or indirectly due to the use of or access to the improved recording, archiving, and retrieving system shall be paid directly in the aforementioned special fund of the judge of probate. These funds shall be used at the discretion of the judge of probate.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately after its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act become a law under Section 125 of the Constitution on September 16, 1997 without approval by the Governor.

Act No. 97-903

H. 180 – Reps. Hogan, Guin

AN ACT

Relating to Walker County, Alabama: to amend Act No. 97-148, adopted at the 1997 Regular Session of the Legislature of Alabama, to provide that the Walker County Commission, as governing body of Walker County, Alabama, shall have the power and authority to levy and collect, in addition to all other taxes now or hereafter authorized by the Constitution and laws of the state of Alabama, certain additional

privilege license and excise taxes and fees in Walker County, Alabama; to provide that the proceeds from such taxes and fees shall be deposited in the general fund of Walker County, Alabama; and used for any lawful purpose, including, without limitation, to, and the payment of, principal of, premium and interest on indebtedness of Walker County, Alabama; the pledge thereof to the payment of debt obligations; to provide that Act No. 97-148, adopted at the 1997 Regular Session of the Legislature, as so amended, is ratified and confirmed; to provide that any tax theretofore levied by the Walker County Commission pursuant to Act No. 97-148 is ratified and confirmed; and to provide that any tax or taxes so levied by the Walker County Commission shall become effective without any election or referendum being held with respect thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 97-148, adopted at the 1997 Regular Session of the Legislature of Alabama, is hereby amended by deleting said Section 1 in the entirety thereof and substituting therefor the following:

“The Walker County Commission, as governing body of Walker County, Alabama, shall have the power and authority to levy and collect, in addition to all other taxes now or hereafter authorized by the Constitution and laws of the state of Alabama, certain additional privilege license and excise taxes and fees in Walker County, Alabama, including without limitation registration fees or license taxes or license fees on motor vehicles and water craft registered or required to be registered in Walker County, and any license or excise tax or fee on engaging in or carrying on any business, for the purposes hereinafter expressed, provided, however, the Walker County Commission may not, pursuant to this Act, (a) levy any ad valorem tax, (b) impose any additional district or civil court costs or fees, (c) levy any privilege license or excise tax or fee on any public utility which, as of the effective date of this Act, is paying a franchise tax or other privilege license tax based on gross receipts, (d) levy any privilege license or excise tax or fee which is substantially similar to the recordation tax on mortgage indentures imposed under Chapter 22 of Title 40 of the Code of Alabama 1975 in its method of computation or incidents of taxation, (e) levy any privilege license or excise tax or fee which is based on gross receipts of public utilities and is substantially similar to the utility gross receipts tax imposed under Article 3 of Chapter 21 of Title 40 of the Code of Alabama 1975 in its method of computation or incidents of taxation, or (f) levy and privilege license or excise tax or fee on the importation, exportation, storage, use, or other consumption of coal in Walker County, or (g) levy any tax substantially similar to the taxes levied pursuant to Chapter 23 of Title 40 of the Code of Alabama 1975. Any tax or taxes levied by the Walker County Commission pursuant to, or in accordance with, this Act shall become law without any election or referendum being held with respect thereto.”

Section 2. Section 3 of Act No. 97-148, adopted at the 1997 Regular Session of the Legislature of Alabama, is hereby amended by deleting said Section 3 in the entirety thereof and substituting therefor the following:

“The proceeds from any tax or fee levied pursuant to, or in accordance with, Section 1 hereof shall be deposited in the general fund of Walker County, Alabama and may be used for any lawful purpose including, without limitation, the pledge to, and the payment of, principal of, premium and interest on indebtedness of Walker County, Alabama.”

Section 3. Any tax or fee levied by the Walker County Commission pursuant to Act No. 97-148, adopted at the 1997 Regular Session of the Legislature of Alabama, and prior to the effective date of this Act, is hereby ratified and confirmed.

Section 4. Act No. 97-148, adopted at the 1997 Regular Session of the Legislature of Alabama, as hereby amended, is hereby ratified and confirmed in all respects.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on September 16, 1997 without approval by the Governor.

Act No. 97-904

H. 167 – Rep. Seibenhener

AN ACT

Relating to Geneva County; to provide a civil penalty for any person residing in or owning property in an unincorporated area of the county who fails to identify his or her property as required by the board of commissioners of the communications district.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person residing in or owning property in an unincorporated area of Geneva County who fails to identify his or her property pursuant to the regulations or requirements of the board of commissioners of the communications district created pursuant to Chapter 98 of Title 11 of the Code of Alabama 1975 shall be fined twenty-five dollars (\$25).

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on September 16, 1997 without approval by the Governor.

Act No. 97-905

S. 104 – Senator Steele

AN ACT

Relating to Perry County; authorizing the county commission to levy an additional issuance fee on vehicles, tractor trailers, and watercraft licenses; providing for the collection, distribution, and use of the proceeds of the fees; creating a separate fund to receive the fees; and prescribing additional duties on the Perry County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply on to Perry County.

Section 2. The County Commission of Perry County may, in addition to all other charges, costs, taxes, or fees levied on the issuance of licenses on all motor vehicles, and tractor trailers of any nature, levy a fee of up to ten dollars (\$10) per license plate. The county commission may also levy a user fee of up to five dollars (\$5) on each license decal issued for all watercraft of not more than 16 feet in length, and a user fee of up to ten dollars (\$10) for any watercraft more than 16 feet in length. The vehicle and watercraft license may be levied beginning September 1, 1997, and shall apply to any vehicle or watercraft subject to registration, or transfer of ownership.

Section 3. If the county commission imposes a fee authorized by this act, the authority shall be exercised in the following manner: A proposed resolution shall be advertised for two consecutive weeks in a newspaper of general circulation in Perry County. The resolution shall then be introduced at a regularly scheduled meeting. Should the advertised resolution require amendment, it cannot be approved at the same scheduled meeting at which it is amended, but must be enacted at a subsequent meeting.

Section 4. All funds received from the fees authorized by this act shall be placed in a special fund in the county treasury to be called the "Debt Reduction Fund." All funds deposited in the Debt Reduction Fund shall be used to reduce any general fund debt of the county.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on September 16, 1997 without approval by the Governor.

Act No. 97-906

H.J.R. 147 – Reps. Box, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis, Wren

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MAYOR J. C. DAVIS OF CHICKASAW, ALABAMA.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of longtime Mayor J. C. Davis, Jr., of Chickasaw, Alabama, at the age of 77 years; and

WHEREAS, a graduate of Murphy High School and Spring Hill College, he served with patriotism as a World War II veteran of the Army Air Corps; and

WHEREAS, winning his first term as mayor in 1960, Mayor Davis was known for his judicious hands-on approach to governing Chickasaw, a municipality he helped incorporate in 1946; and

WHEREAS, a visionary force in local politics and a truly beloved member of the Chickasaw Community, Mayor Davis played a vital role through his commitment to numerous civic organizations including the South Alabama Regional Planning Commission, and Mobile Municipal Association; and

WHEREAS, an active and energetic civic leader, he also was a member of the Kiwanis Club and American Legion, as well as a charter member of Chickasaw United Methodist Church, and was an extraordinarily skillful businessman who served as a mentor, advisor, and friend to countless individuals in the Chickasaw Community; and

WHEREAS, the death of Mayor J. C. Davis, Jr., has indeed left a deep void in the hearts of all those whose lives he touched through deeds of great kindness, compassion, and concern, and they will carry with them throughout their lives the experiences they have gained from being associated with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mayor J. C. Davis, Jr., and extend heartfelt sympathy to his devoted wife, Katherine; sons, Ron, Bill, Robert and James; and six grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the wife of Mayor J. C. Davis, Jr., with our sincere condolence.

Approved September 16, 1997

Time: 3:30 P.M.

Act No. 97-907

H.J.R. 155 – Reps. Jorgensen, Papucci,
Hall (A), Robinson,
Hinshaw

HOUSE JOINT RESOLUTION

COMMENDING DEBBIE WHITE AS RECIPIENT OF THE COUNTRY GOSPEL MUSIC ASSOCIATION'S NEW ARTIST OF THE YEAR AWARD.

WHEREAS, Debbie White, a distinguished and successful country gospel music singer, is the recipient of the prestigious New

Artist of the Year Award for the United States and Canada by the Country Gospel Music Association; and

WHEREAS, born and raised in Huntsville, Mrs. White began singing Southern gospel music with her family at the age of 14 years and, in 1989, began her own musical career; and

WHEREAS, after accepting top honors in the Southeast Regional Country Gospel Awards show in Knoxville in May 1977, she then performed for over 2,000 music fans to win the national competition in Nashville, Tennessee, during August 30-31, 1997; and

WHEREAS, she also received successful record releases on the Christian country music charts with "America Doesn't Have to Fall" and "Forgiven, Forgotten, Forever"; and

WHEREAS, contributing immeasurably to her success is her husband, Bill Cawthon, who is her manager; and their two adoring children, Dustin, age 11, and Amber, age 10, who also assist with setting up and breaking down equipment when their mother is performing; and

WHEREAS, Debbie White's natural talent and immense vocal abilities have indeed been revered by her family and countless admiring fans and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our very deepest congratulations to Debbie White as recipient of the New Artist of the Year Award and, by copy of this resolution, extended sincere best wishes.

Approved September 16, 1997

Time: 3:29 P.M.

Act No. 97-908

H.J.R. 153 – Reps. Turner, Buskey, Box,
Clark (W), Kennedy,
Gaston, Pringle, Dean,
Mitchell, Crigler

HOUSE JOINT RESOLUTION

HONORING MOBILE DISTRICT COURT JUDGE
DOMINICK J. MATRANGA UPON RETIREMENT.

WHEREAS, the Honorable Dominick J. Matranga, Presiding District Court Judge for Mobile County, is retiring October 1, 1997, and it is appropriate at this time to extend public recognition for his distinguished service; and

WHEREAS, a Mobile native, Judge Matranga received his B. S. and J. D. degrees from the University of Alabama following his service with the U. S. Marine Corps; he later pursued studies with the Alabama Judicial College and the American Academy of Judicial Education; and

WHEREAS, Judge Matranga practiced law in Mobile for 13 years prior to becoming a district court judge in 1977; his professional affiliations include the Mobile Bar Association, Alabama Bar Association, Past President of the Alabama Association of District Judges, and the Bar of the Supreme Court of the United States; and

WHEREAS, Judge Matranga, who is a faithful member of St. Edmund by the Sea Catholic Church on Dauphin Island, enjoys his family, reading, and fishing; he also has been recognized by the Alabama Wildlife Federation as the recipient of the 1994 Judicial Conservationist Award for his love and good stewardship of the outdoors; and

WHEREAS, Judge Matranga is a devoted husband to his wife of 23 years, the former Mary Jo Finocchio; is a loving father to his son and daughter-in-law, Christopher and Rain; and daughter, Dominique; and is a doting grandfather to his grandson, Charles Christopher; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon his upcoming retirement, we hereby commend Judge Dominick J. Matranga for his service to the bench of Mobile, and the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be provided to Judge Matranga as an expression of our gratitude and esteem.

Approved September 16, 1997

Time: 3:28 P.M.

Act No. 97-909

H. 103 – Rep. Hill

AN ACT

To alter and rearrange the boundary lines and add to the corporate limits of the municipality of Alabaster in Shelby County and to remove certain property from the corporate limits of the municipality of Pelham.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Alabaster in Shelby County are altered and rearranged to add to the corporate limits of the municipality of

Alabaster all of the following territory, which property was formerly a part of the municipality of Pelham:

A parcel of land situated in the SE1/4 of Section 26, Township 20 South, Range 3 West, being more particularly described as follows:

Beginning at the NW corner of the NE1/4 of the SE1/4 of said section; thence south along the west line of said 1/4-1/4 section a distance of 665.16 feet; thence left 88° 50' 30" and run a distance of 530 feet, more or less, to the centerline of Buck Creek; thence run northwesterly along the centerline of Buck Creek with its meandering of said creek to the west line of said 1/4-1/4; thence south along the west line of said 1/4-1/4 section a distance of 290 feet, more or less, to the point of beginning. Said parcel contains 9.0 acres more or less and is incorporated into the City of Alabaster, Shelby County, Alabama.

Section 2. The actions of the City of Pelham in deannexing the property described in Section 1 of this act pursuant to Ordinance No. 274, dated September 18, 1995, and recorded as Instrument No. 1995-26109 in the Office of the Judge of Probate of Shelby County, Alabama, are ratified and confirmed.

Section 3. In accordance with Section 11-42-6 of the Code of Alabama 1975, a map showing the proposed territory to be added to the municipality of Alabaster is on file and open to public inspection in the office of the Judge of Probate in Shelby County, Alabama.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 16, 1997

Time: 3:25 P.M.

Act No. 97-910

S.J.R. 54 – Senator Ghee

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF SARA ELIZABETH GORKY.

WHEREAS, with sincere personal sorrow this legislative body records the untimely death of Miss Sara Elizabeth "Cissy" Gorey of Anniston, Alabama, at the age of 17 years; and

WHEREAS, Miss Gorey was beginning her senior year at Donoho Upper School, where her kind manner, dedication to

academics and athletics, friendly attitude, and abiding religious faith established an enduring example for both her fellow-students and teachers; and

WHEREAS, Cissy was a devoted member of St. Mark United Methodist Church, an outstanding student who achieved in several advanced placement courses, and excelled in several sports including track and volleyball; more importantly, she will be remembered as an extraordinary young woman, a dear friend, and a loving daughter and sister; and

WHEREAS, the lamentable death of Cissy Gorey has indeed left an unfathomable void in the life of her community, her school, and her church, and in the hearts of her loving family who seek solace in cherished memories that will live forever; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as her death is mourned, thanks are humbly given to God for the life and service of Cissy Gorey, and, by copy of this resolution, deepest sympathy is extended to her parents Beth and George Gorey, Jr.; her sister Leslie; and to members of extended family and friends who share with countless others their great and grievous loss.

Approved September 16, 1997

Time: 3:31 P.M.

Act No. 97-911

S.J.R. 55 – Senator Ghee

SENATE JOINT RESOLUTION

COMMENDING THE NORTHEAST ALABAMA REGIONAL MEDICAL CENTER AND ITS STAFF ON WINNING THE 1997 QUALITY CUP FOR HEALTH CARE.

WHEREAS, highest commendation and appreciation are hereby accorded the Northeast Alabama Regional Medical Center and staff for its outstanding contributions to the citizens of Anniston, Alabama; and

WHEREAS, winning the prestigious 1997 Rochester Institute of Technology/USA Today Quality Cup for health care, this national award recognizes teams making significant contributions to the improvement of quality products and services in an organization by applying principles of quality management; and

WHEREAS, the team members, who are deeply committed to their responsibilities and who are recognized for the depth of their

concern for their patients are: Judy London, Judy Whaley, Deliska Hammonds, Todd Corona, Dot Hurst, Martha O'Dell, Elaine Davis, and Linda Warren; and

WHEREAS, the Alabama Legislature indeed recognizes the importance of the innovative one-stop shopping for all pre-admission testing at Northeast Alabama Regional Medical Center, ultimately cutting pre-admission time by 30 percent and increasing the number of elective surgeries per day by 25 percent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the Northeast Alabama Regional Medical Center as recipient of the 1997 Quality Cup for health care and commend its staff on the magnitude of quality care and, by copy of this resolution, extend sincere best wishes for continued success.

Approved September 16, 1997

Time: 3:32 P.M.

Act No. 97-912

S.J.R. 57 – Senator Clay

SENATE JOINT RESOLUTION

COMMENDING THE PHENIX CITY SCHOOL SYSTEM ON ITS KICKOFF OF THE "GIVE ME FIVE" DAY ON OCTOBER 11, 1997, AND DESIGNATING THE SAME DAY AS THE KICKOFF OF THE STATEWIDE "PROJECT MAKE A DIFFERENCE" IN ALABAMA.

WHEREAS, the Phenix City School System, in extraordinary leadership and cooperation with the entire Phenix City community, is launching the "Give Me Five" Day on October 11, 1997, at which time students and adults are volunteering as citizens to help in a myriad of community causes; and

WHEREAS, The Citizenship Trust is also launching a statewide citizenship challenge program called "Project Make a Difference," encouraging students through their schools to choose to make a positive difference in their homes, schools, churches and other organizations, and in their communities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Phenix City School System is hereby commended for its "Give Me Five" Program which encourages citizens to volunteer to support their community's needs, and that the Legislature extends its best wishes for its kickoff on October 11, 1997.

RESOLVED FURTHER, That in honor of the leadership of the Phenix City School System's "Give Me Five" Project, that the day of October 11, 1997, be designated in Alabama as "Make A Difference Day," and that all citizens, especially students with encouragement by their parents, teachers, and other supporters and caregivers, are urged to emulate the ideals behind the Phenix City School System's citizen volunteer program by participating in a citizenship challenge of The Citizenship Trust called Project Make a Difference, and find ways to make a positive difference in their everyday walks of life.

RESOLVED FURTHER, That a copy of this resolution be prepared for presentation to the Phenix City School System and another to The Citizenship Trust.

Approved September 16, 1997

Time: 3:33 P.M.

Act No. 97-913

S.J.R. 61 – Senators Dixon, Langford, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom

SENATE JOINT RESOLUTION

HONORING THE MEMORY OF VAUGHAN HILL ROBISON OF MONTGOMERY, ALABAMA.

WHEREAS, the State of Alabama, and especially the Alabama Senate, suffered a great loss in the death of Vaughan Hill Robison who died on October 20, 1995, at the age of 77 years; and

WHEREAS, a graduate of the University of Alabama School of Law, Mr. Robison served his country with honor during World War II and received the prestigious Bronze Star in recognition of his distinguished military accomplishments; and

WHEREAS, elected to the Alabama Senate in 1950, Mr. Robison served with eminence and great dedication in the Senate for 16 consecutive years and was especially instrumental in successfully blocking passage of the heralded Executive Succession Amendment; and

WHEREAS, he practiced law for 52 years, serving as attorney to the Montgomery County Board of Education for 32 years, and was past president of the Montgomery County Bar Association, as well as president of the Montgomery Lions Club; and

WHEREAS, Mr. Robison, who served with devotion as an Elder at Trinity Presbyterian Church, is survived by his loving wife, the former Betty Nicrosi; three daughters, Elizabeth DeJuan, Laura McDuffie, and Ann DelSimone; and eight grandchildren; and

WHEREAS, Vaughan Hill Robison's wealth of knowledge, keen memory, and depth of perception into legal and legislative issues won for him the respect of his fellow legislators and attorneys throughout this state who often sought, and were willingly given, his sage advice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama is, and for years to come will be, deeply indebted to Mr. Robison for his outstanding service to the citizens of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to his wife, Betty, as a token of our esteem for our friend and former colleague, the late Vaughan Hill Robison.

Approved September 16, 1997

Time: 3:34 P.M.

Act No. 97-914

H. 207 – Reps. Carter, Turner, Hamilton,
Ford, Hammett, Smith,
Clark (J), McMillan, McKee,
Haney, Venable, Johnson (R),
Letson, McDaniel

AN ACT

To amend Section 40-14-41, Code of Alabama 1975, to allow a deduction from franchise tax for the amount invested in a new manufacturing facility; to establish time limits for qualifying for and using the deduction; to establish criteria; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-14-41, Code of Alabama 1975, is amended to read as follows:

“§40-14-41.

“(a) Amount of levy. - Every corporation organized under the laws of any other state, nation, or territory and doing business in this state, except strictly benevolent, educational, or religious corporations, shall pay annually to the state an annual franchise tax of three dollars (\$3) on each one thousand dollars (\$1,000) of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama. However, in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of twenty-five dollars (\$25).

“(b) Definition of capital. - The total capital of such foreign corporation, herein referred to as the “taxpayer,” shall equal the aggregate net amount of the following items determined in accordance with Generally Accepted Accounting Principles appropriate in the particular case, as promulgated by the Financial Accounting Standards Board or a similar or successor agency or board, unless otherwise defined in this article:

“(1) The outstanding capital stock and any additional paid-in capital, whether positive or negative, but excluding the taxpayer’s cost of its treasury stock.

“(2) Retained earnings, whether positive or negative, which shall include any amounts designated for the payment of dividends until the amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

“(3) The amount of bonds, notes, debentures, or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax year, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law.

“(4) The amount of bonds, notes, debentures, or other evidences of indebtedness, but not including deposit liabilities of banks and other financial institutions as defined by state or federal law, maturing and payable at the time to: (i) any individual stockholder owning directly or indirectly 10 percent or more of the outstanding capital stock of the taxpayer, or (ii) another corporation owning more than 50 percent of the outstanding capital stock of the taxpayer, or (iii) another corporation owning more than 50 percent of the outstanding capital stock of which is owned by the taxpayer, unless the other corporation referred to in clause (ii) or (iii) is also required to pay a franchise tax to the State of Alabama.

“(5) The amount reasonably required to adjust the depreciable or amortizable property accounts for any rapid, excessive, or

unreasonable depreciation or amortization charges, so as to restore the depreciable or amortizable property accounts, for franchise tax purposes, to original cost less depreciation or amortization computed on the basis of the useful life of the property to the taxpayer.

“(c) Determination of capital employed in state. - The actual amount of capital employed by the taxpayer in this state shall then be determined by apportioning the total capital of the taxpayer, as defined above, to Alabama in accordance with regulations promulgated by the Department of Revenue appropriate in the particular case, except that if the apportionment formula prescribed by the regulations and otherwise applicable to the taxpayer would not fairly represent the actual amount of the capital of the taxpayer employed in this state, then the taxpayer may petition for or the department may require, if reasonable, any one of the following:

“(1) The exclusion of any one or more of the three standard factors plus the cost-of-manufacturing component;

“(2) The inclusion of one or more additional factors which fairly represents the taxpayer’s actual amount of capital employed in this state; or

“(3) The employment of any other method, including, without limitation, the method commonly referred to as the summation method, which effectuates an equitable determination of the actual amount of the taxpayer’s capital employed in this state.

However, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama Public Service Commission, or by a state insurance department, the actual amount of capital employed in this state as so determined shall in no event exceed the value of the sum of its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

“(d) Exclusions and deductions. - (1) There shall be excluded from the amount of capital as determined in subsection (b) of this section the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the State of Alabama, unless the taxpayer is a dealer in stocks or securities.

“(2) Except as provided in subdivision (3), in addition to any other applicable exclusions, in the case of any taxpayer, there shall be excluded from the amount of capital as determined in subsection (b), the investment by the taxpayer in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if

the taxpayer owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities.

“(3) In addition to any other applicable exclusions, in the case of any bank or bank holding company, there shall be excluded from the amount of capital as determined in subsection (b) as subsection (b) provided prior to the enactment of Act 95-564, the investment by the bank or bank holding company in the capital of any other corporation that does not pay a franchise tax to the State of Alabama if the bank or bank holding company owns more than 50 percent of the outstanding capital stock of the other corporation, unless the other corporation is dormant and not regularly engaged in one or more business activities. A corporation shall not be deemed dormant and shall be considered regularly engaged in one or more business activities, if the corporation owns, directly or indirectly, more than 50 percent of the outstanding capital stock of another corporation regularly engaged in one or more business activities. A corporation shall be deemed to directly or indirectly own more than 50 percent of another corporation if both corporations would be part of a controlled group of corporations as defined in 26 U.S.C. Section 1563 if a 50 percent ownership requirement is applied in lieu of the 80 percent ownership requirement in 26 U.S.C. Section 1563.

“(4) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:

“a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law.

“b. The amount invested by the taxpayer in bonds or other securities issued by the State of Alabama, or any county, municipality, or other political subdivision of the State of Alabama, or any public corporation organized under the laws of the State of Alabama, unless the corporation is a dealer in securities.

“c. The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components or materials for use therein, acquired or constructed primarily for the control, reduction, or elimination of air or water pollution.

“d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures, and components including, but not limited to, all aircraft replacement parts, components, systems, supplies, and sundries affixed or used on an

aircraft, and ground support equipment and vehicles used by or for the aircraft, when used by certified or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate, or foreign commerce for transporting people or property by air. For the purpose of this paragraph, the words "hub operation within this state" shall be construed to have all of the following criteria:

"1. There originate from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year.

"2. Passengers or property, or both, are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

"e. The amount invested in a new manufacturing facility in this state by the taxpayer, which amount shall be limited to the investment in all real and tangible personal property, equipment, facilities, structures, components, and inventory on or after December 1, 1997, and during the period for 20 years thereafter, provided that the taxpayer has met the criteria in subparagraph 1. below, and, in addition, has met the criteria in either subparagraph 2. or subparagraph 3. below:

"1. The taxpayer must, within two years from the effective date of this act, file with the Alabama Department of Revenue a statement of intent to claim the deduction provided under this act. This statement of intent shall contain any information required by the Department of Revenue.

"2. During the period commencing with December 1, 1997, and ending on the date five years thereafter, the amount invested in a new manufacturing facility in this state by the taxpayer shall be at least one billion dollars (\$1,000,000,000) and the number of new employees at the new manufacturing facility in this state shall be at least 1,500; or

"3. During the period commencing with December 1, 1997, and ending on the date five years thereafter, the amount invested in a new manufacturing facility in this state by the taxpayer shall be at least three hundred fifty million dollars (\$350,000,000) and the number of new employees at the new manufacturing facility in this state shall be at least 2,000.

"No deduction shall be available under this paragraph e. until the criteria defined in subparagraph 1. above, and, in addition, either subparagraph 2. or subparagraph 3. above have been met. The deduction available under this paragraph e. shall only be available during those years within the 20 years after December 1,

1997, in which the taxpayer maintains the criteria defined in either subparagraph 2. or subparagraph 3. above.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 22, 1997

Time: 3:00 P.M.

Act No. 97-915

H.J.R. 162 – Rep. Carter

HOUSE JOINT RESOLUTION

SUPPORTING STATE OF ALABAMA EFFORTS TO ATTRACT INDUSTRIAL PROSPECTS.

WHEREAS, the State of Alabama places a high priority on fostering the expansion of existing industry and the recruitment of new industry; and

WHEREAS, the Alabama Legislature, Lieutenant Governor, Speaker of the House, and Governor understand and readily accept their responsibility to encourage economic development and have exhibited a willingness to make and keep commitments that assist in attracting new industry to the state and encouraging existing industry to expand; and

WHEREAS, major industrial prospects are currently considering locating manufacturing facilities in the State of Alabama which would create new jobs and economic opportunities for its citizens; and

WHEREAS, the State of Alabama, through an act of the Legislature, has displayed another strong commitment to these industrial prospects by enhancing an attractive incentive package with specific legislation which will provide a substantive deduction to the state's foreign franchise tax to businesses which make a commitment of capital and jobs; and

WHEREAS, the Alabama Legislature, Lieutenant Governor, Speaker of the House, and Governor have endorsed and promoted this legislation and have exhibited this commitment by giving House Bill 207 and Senate Bill 171 of the 1997 First Special Session, the highest possible priority which has resulted in this legislation being approved within the minimum number of days allowed by law; and

WHEREAS, it is the hope of the State of Alabama that these industrial prospects will recognize that these actions are indicative of our strong desire to have them locate in Alabama and serve as an example of the willingness of the state and its governmental officials to work closely with them on a near- and long-term basis in order to make their long-term investment in the state successful; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we officially and enthusiastically express our support of H. 207 and S. 171 of the 1997 First Special Session as authored and approved to specifically encourage these industrial prospects to give the state every possible consideration for current or future expansion plans.

Approved September 22, 1997

Time: 3:01 P.M.

Act No. 97-916

H. 101 – Rep. Lindsey

AN ACT

To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-12-248 of the Code of Alabama 1975, is amended to read as follows:

“§40-12-248.

“(a) For each truck or truck tractor using the public highways of this state, annual license taxes and registration fees based on the gross vehicle weight in pounds are imposed and shall be charged. For the purposes of this section, the term “gross vehicle weight” shall mean the empty weight of the truck or truck tractor plus the heaviest load to be carried and, in the case of combinations, shall be deemed to include also the empty weight of the heaviest trailer with which the power unit shall be placed in combination, plus the heaviest load to be carried. No tolerance or margin of error shall be allowable under this section, except as provided in subsection (b).

“(b) For each truck or truck tractor using the public highways of this state, the annual license taxes and registration fees herein imposed (i) shall consist of the base amount applicable to the truck or truck tractor under the schedule of base amounts set forth in this subsection, plus (ii) the additional amount, if any, applicable to the truck or truck tractor under the schedule of additional amounts set forth in this subsection:

“SCHEDULE OF BASE AMOUNTS

“Gross Vehicle “Weight in Pounds	Base Amount
“0 to 8,000	\$ 10.70
“8,001 to 12,000	52.50
“12,001 to 18,000	85.00
“18,001 to 26,000	117.50
“26,001 to 33,000	150.00
“33,001 to 42,000	260.00
“42,001 to 55,000	292.50
“55,001 to 64,000	325.00
“64,001 to 73,280	357.50
“73,281 to 80,000	390.00
“80,001 or over	422.50

“SCHEDULE OF ADDITIONAL AMOUNTS

“Gross Vehicle “Weight in Pounds	Additional Amount
“0 to 8,000	\$ 2.30
“8,001 to 12,000	52.50
“12,001 to 18,000	85.00
“18,001 to 26,000	117.50
“26,001 to 33,000	150.00
“33,001 to 42,000	260.00
“42,001 to 55,000	292.50
“55,001 to 64,000	325.00
“64,001 to 73,280	357.50
“73,281 to 80,000	390.00
“80,001 or over	422.50

“The total amount of the annual license tax and registration fee shall be limited with respect to trucks or truck tractors owned and used by a farmer for transporting farm products or the personal property of the farmer for use on his or her farm to a maximum of thirty dollars (\$30) where the gross vehicle weight of the truck does not exceed 30,000 pounds; to a maximum of eighty-five dollars (\$85) where the gross vehicle weight of the truck exceeds 30,000 pounds but does not exceed 42,000 pounds; and to a maximum of two hundred fifty dollars (\$250) where the gross vehicle weight of the truck or truck tractor is up to and including the class currently designated 80,001 pounds or over; provided, however, a farmer shall be entitled to pay this reduced annual license tax and registration fee for only one truck tractor; for each additional truck tractor the annual license tax and registration fee shall be determined from the “schedule of base amounts” and “the schedule of additional amounts” based on the gross vehicle weight in pounds: and the annual license tax and registration fee shall be limited

with respect to trucks owned and used by any person for transporting forest products from the point of severance to a sawmill, to a papermill, or to a concentration yard to a maximum of forty dollars (\$40) where the gross vehicle weight of the truck does not exceed 30,000 pounds and to a maximum of sixty-five dollars (\$65) where the gross vehicle weight exceeds 30,000 pounds but does not exceed 42,000 pounds.

“For purposes of enforcement of farm truck license tags, or of forest products truck license tags for trucks that do not exceed 42,000 pounds in gross vehicle weight, all scaled weight shall be allowed a tolerance or a margin of error of 10 percent of the true gross or axle weights to allow for any climatic conditions.

“For each truck tractor which is operated by a certificated motor carrier and which is operated exclusively within 15 miles of the corporate limits of the incorporated municipality in which it is customarily domiciled, but not including vehicles operating beyond the borders of Alabama, and which is registered in the county in which it is customarily domiciled, a total annual license tax and registration fee of three hundred dollars (\$300) is imposed and shall be charged.

“The total amount of the annual license tax and registration fee shall be limited to the following schedule for all self-propelled campers or house cars, but a self-propelled camper or a house car whose weight does not exceed 8,000 pounds, shall be subject to the provisions of Section 40-12-273(b):

“SCHEDULE OF BASE AMOUNTS

“Gross Vehicle “Weight in Pounds	Base Amount
“0 to 8,000	\$ 10.70
“8,001 to 12,000	25.00
“12,001 to 18,000	50.00
“18,001 to 26,000	87.50
“26,001 to 33,000	137.50
“33,001 to 42,000	250.00

“SCHEDULE OF ADDITIONAL AMOUNTS

“Gross Vehicle “Weight in Pounds	Additional Amount
“0 to 8,000	\$ 2.30
“8,001 to 12,000	25.00
“12,001 to 18,000	50.00
“18,001 to 26,000	87.50
“26,001 to 33,000	137.50
“33,001 to 42,000	250.00

“(c) Every person making application for license under this section to use a truck or truck tractor on the public highways of this state shall be required to make an affidavit declaring the gross vehicle weight of the truck or truck tractor and file the affidavit with the judge of probate, or other county licensing officer, in the county in which the application is made. Upon payment of the applicable motor vehicle license tax or registration fee, the license to use the truck or truck tractor on the public highways of this state shall be limited to the gross vehicle weight so declared by the owner, which shall be deemed to constitute the allowable gross vehicle weight for which the vehicle is licensed.

“After having obtained a license under this section with respect to any truck or truck tractor, the owner thereof may during the then current tax year voluntarily increase the allowable gross vehicle weight for which the vehicle is licensed by making a new affidavit, applying for a new license applicable to the appropriate gross vehicle weight classification, surrendering the license plates or tags previously obtained, and paying the difference between the fees applicable to a license for the higher weight classification desired and the fee in respect of the license so surrendered. The license classification of a truck or truck tractor may not be decreased, however, except once a year at the time new license tags or plates are purchased for the truck or truck tractor.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:10 A.M.

Act No. 97-917

H. 151 – Rep. Kennedy

AN ACT

To make an appropriation of \$100,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$100,000 to the Exploreum Museum of Discovery from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation

made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4, Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

Approved September 23, 1997

Time: 10:11 A.M.

Act No. 97-918

S. 73 – Senator Escott-Russell

AN ACT

To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The governing body of any local union or state organization of the American Federation of Teachers may, by resolution legally adopted to conform to the rules prescribed by the Board of Control of the Teachers' Retirement System, elect to have its officers and employees, from whatever source and in whatever manner paid, become eligible to participate in the Teachers' Retirement System subject to all rules, regulations, and conditions thereof.

(b) The governing body of any local union or state organization of the American Federation of Teachers eligible under subsection (a) to participate in the system, and having made an election by resolution to participate, may have its employees and officers participate in, and be entitled to, all benefits of the Teachers' Retirement System, provided that where contributions are made from salaries paid by a local union or state organization of American Federation of Teachers, the local union or state organization shall pay the employer cost in accordance with Section 16-25-21, Code of Alabama 1975, at the same time as the member's contributions are paid to the Teachers' Retirement System.

(c) The governing body of any local union or state organization of the American Federation of Teachers eligible under subsection (a) to participate in the system, may provide in its resolution to the Board of Control of the Teachers' Retirement System that all service rendered by an eligible employee or officer to the local union or state organization of the American Federation of Teachers prior to the effective date of the election of the local union or state organization to come under the Teachers' Retirement System shall be creditable service to the employee or officer, provided that such a provision in the resolution shall apply only to the local union or state organization of the American Federation of Teachers on the effective date of the election of the local union or state organization to be covered under the Teachers' Retirement System. The resolution also shall state that the local union or state organization of the American Federation of Teachers shall assume, and pay as required, all costs necessary to fund the crediting of the prior service, with the costs to be determined by the actuary employed by the Board of Control of the Teachers' Retirement System.

(d) The provisions of this section may not apply to any person who is not a teacher.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:12 A.M.

Act No. 97-919

S. 141 – Senator Poole

AN ACT

To provide for the purchase and issuance of a temporary tag and issuance of a temporary registration for certain motor vehicles manufactured within this state if the motor vehicle is to be permanently licensed in another jurisdiction; to provide for distribution of the net proceeds from the sale of the tags or plates; and to amend Section 40-23-39, Code of Alabama 1975, to provide further for sales and use tax on export sales.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person who takes delivery within this state of a new passenger vehicle or new truck manufactured within this state of a gross weight not exceeding 8,000 pounds, from the manufacturer or an affiliated corporation, and if the vehicle is to be permanently licensed in another jurisdiction, upon

application to the judge of probate or license commissioner of the county in which the manufacturer is located, upon providing proof of ownership of the vehicle, and upon payment of a fee of twenty-five dollars (\$25), shall be issued a temporary metal license plate to be affixed to the vehicle and a temporary registration certificate. This temporary license plate may not be transferred to another owner or vehicle.

(b) The license plate shall be valid for a period not exceeding 90 days from the date of issuance upon payment of a twenty-five dollar (\$25) fee for each 30-day period, or partial period, of validation. Once this temporary license plate is issued, the validation period for the license plate may not be extended. In no case may this temporary license plate be issued for a period exceeding 90 days.

(c) Upon expiration of the validation period, or when the vehicle is permanently licensed in another jurisdiction, whichever occurs first, this temporary license plate shall become invalid but may be retained by the owner of the vehicle as a memento or souvenir.

(d) The temporary license plates herein authorized shall be designed by the manufacturer of the motor vehicle subject to the advice and review of the Department of Revenue.

(e) The provisions of Chapter 12 of Title 40, and Chapter 6 of Title 32, relating to the display of license plates, validation decals, enforcement, including presentation of the temporary registration certificate upon request, shall be applicable to the license plates issued under this section.

Section 2. The judge of probate or license commissioner of the county issuing the temporary metal license plates herein authorized shall remit manufacturing costs of one dollar and fifty cents (\$1.50) to the State Comptroller for each temporary license plate issued. The balance of the funds shall be deposited in the county public road and bridge fund.

Section 3. Section 40-23-39, Code of Alabama 1975, is amended to read as follows:

“§40-23-39.

“(a) Notwithstanding any other provision of law, the purchaser of tangible property purchased in the state, with the intent that the property is to be retained in the state only temporarily and is solely for export to a foreign country, shall be entitled to a refund from the Department of Revenue against the total amount of all sales taxes paid if the purchaser's records reflect that it was the intent of the purchaser to use the property in a foreign country at the time of purchase and that, in fact, the property was exported from Alabama,

and that when ocean transportation is required and scheduled service to the desired port overseas is available through the Port of Mobile, the Port of Mobile is used for shipment. This subsection shall apply to purchases made and stockpiled after July 1, 1996.

“(b) Notwithstanding subsection (a) or any other provision of law, the purchase of a new passenger vehicle or new truck with a gross weight not exceeding 8,000 pounds:

“(1) which is manufactured in Alabama;

“(2) which is purchased by a nonresident of the United States;

“(3) which is delivered to the purchaser in Alabama by the manufacturer or an affiliated corporation; and

“(4) which at the time of purchase the purchaser intends to export to and permanently license in a foreign country within 90 days after the date of delivery;

“(5) for which the purchaser obtains a temporary metal license plate and a temporary registration certificate from the judge of probate or license commissioner of the county in which the manufacturer is located, shall be exempt from all state sales and use taxes levied under Chapter 23 of Title 40 and all municipal and county sales and use taxes.”

Section 4. This act shall be read in pari materia with all other vehicle registration laws, specifically, Section 32-6-210, Code of Alabama 1975.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1997, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 23, 1997

Time: 10:13 A.M.

Act No. 97-920

H. 3 – Rep. Gaines

AN ACT

Relating to limited liability companies, to define the terms business entity and organizer; to provide for the power of a company to be an organizer and assume certain capacities; to permit the use of certain abbreviations in the name of a company; to provide for the classification of a company for taxation and certain other purposes; to permit one person to form a company; to specify the contents of the articles of organization, including the name and address of any organizer and the

rights of members in certain instances and for the filing of the articles; to permit an organizer to execute the articles of organization; to specify that the organizer is not subject to certain liabilities; to provide for an agent for service of process, for change of designation of an agent or address, and the duty of the registered agent; to delete certain reporting requirements; to permit inspection of records in certain instances; to specify the fiduciary duties of loyalty and care a member owes to a company and certain limitations, applications, modifications, and exceptions to such duties; to permit classes or groups of members or managers with specified rights, powers, duties, and voting rights, and to permit certain voting procedures; to provide that the initial operating agreement would be agreed to by all members; to provide further for distribution of property and the purchase of a member's interests; to specify the financial rights of the estate of a deceased or incompetent member, including rights regarding the inspection of records and rights to the duties of care and loyalty; to provide for the financial rights of a member subject to a charging order; to provide for cessation of membership and the effect upon certain rights and duties; to provide for dissolution and the effect if there are no remaining members; to specify the effect of the transfer of interest in a company performing professional services; to permit a representative to register a foreign limited liability company and to cancel the registration; to provide that articles of merger shall contain a foreign business entity's consent to service of process; specifying application to existing and future companies and a delayed effective date; and amending Sections 10-12-2, 10-12-4, 10-12-5, 10-12-8, 10-12-9, 10-12-10, 10-12-12, 10-12-13, 10-12-14, 10-12-15, 10-12-16, 10-12-21, 10-12-22, 10-12-24, 10-12-29, 10-12-30, 10-12-34, 10-12-35, 10-12-36, 10-12-37, 10-12-45, 10-12-47, 10-12-51, and 10-12-55.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 10-12-2, 10-12-4, 10-12-5, 10-12-8, 10-12-9, 10-12-10, 10-12-12, 10-12-13, 10-12-14, 10-12-15, 10-12-16, 10-12-21, 10-12-22, 10-12-24, 10-12-29, 10-12-30, 10-12-34, 10-12-35, 10-12-36, 10-12-37, 10-12-45, 10-12-47, 10-12-51, and 10-12-55 of the Code of Alabama of 1975, are amended to read as follows:

“§10-12-2.

“As used in this chapter, unless the context otherwise requires, the following terms mean:

“(a) **ARTICLES OF ORGANIZATION.** The articles provided for by Section 10-12-10, or, if they have been amended or restated, the articles as most recently amended or restated. In the case of a foreign limited liability company, the term includes all documents serving a similar function that are required to be filed to form the limited liability company in the state or other jurisdiction where it is organized.

“(b) **BANKRUPT.** A bankrupt or a debtor under the federal bankruptcy law, as amended from time to time, or an insolvent under any state insolvency act.

“(c) **BUSINESS ENTITY.** A corporation, limited liability company, partnership, limited partnership, registered limited liability partnership, or other entity organized to engage in business,

whether for profit or not, created under the laws of the State of Alabama, predecessor law, or law of another jurisdiction.

“(d) COURT. Every court and judge having jurisdiction in a case.

“(e) FINANCIAL RIGHTS. Rights to (1) share in profits and losses as provided in Section 10-12-28, (2) receive interim distributions as provided in Section 10-12-29, and (3) receive termination distributions as provided in Section 10-12-41.

“(f) FOREIGN LIMITED LIABILITY COMPANY. An organization formed under the laws of any jurisdiction other than Alabama that is substantially similar to a limited liability company.

“(g) GOVERNANCE RIGHTS. All a member’s rights as a member of a limited liability company except financial rights, including without limitation, the rights to participate in the management of the limited liability company and to bind the limited liability company as provided in Section 10-12-21.

“(h) LIMITED LIABILITY COMPANY or DOMESTIC LIMITED LIABILITY COMPANY. An organization that is formed and existing under this chapter.

“(i) MANAGER or MANAGERS. A person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization.

“(j) MEMBER. A person reflected in the required records of a limited liability company as the owner of some governance rights of a membership interest in the limited liability company.

“(k) OPERATING AGREEMENT. A written agreement of the member or members governing the affairs of a limited liability company and the conduct of its business.

“(l) ORGANIZER. A person, who need not be a member of the limited liability company, who is authorized to execute documents in connection with the formation of a limited liability company.

“(m) PERSON. Natural persons and organizations (whether created by the laws of Alabama or another state or foreign country), including, without limitation, general partnerships, registered limited liability partnerships, limited partnerships, limited liability companies, corporations, professional corporations, professional associations, trustees, personal representatives, fiduciaries (as defined in Section 19-3-150) or persons performing in any similar capacity, trusts, business trusts, estates, custodianships, and other associations.

“§10-12-4.

“Unless its articles of organization provide otherwise, every limited liability company has perpetual duration and succession in its name and has the same powers as a natural person to do all things necessary or convenient to carry out its business and affairs, including, without limitation, the following powers:

“(a) To sue and be sued, complain and defend, in its name.

“(b) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with real or personal property, or an interest in it, wherever situated.

“(c) To sell, convey, mortgage, encumber, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets.

“(d) To lend money to and otherwise assist its members.

“(e) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with shares or other interests in or obligations of domestic or foreign limited liability companies, domestic or foreign corporations, associations, general or limited partnerships, or direct or indirect obligations of the United States or of any government, state, territory, governmental district, or municipality, or of any instrumentality thereof.

“(f) To make contracts, guarantees, and indemnity agreements and incur liabilities; borrow money at those rates of interest as the limited liability company may determine; issue its notes, bonds, and other obligations; and secure any of its obligations by mortgage, pledge of, or creation of security interest in, all or any of its property, franchises, or income; make contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion, or attainment of the business of the contracting company and of a corporation of which the majority of the outstanding stock is owned, directly or indirectly, by the contracting company; or make other contracts of guaranty and suretyship which are necessary or convenient to the conduct, promotion, or attainment of the business of the contracting company, or any interest therein, not inconsistent with the provisions of the Constitution of Alabama as it may be amended from time to time.

“(g) To lend money for any lawful purpose, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

“(h) To conduct its business, carry on its operations, and have and exercise the powers granted by this chapter in any state, territory, district, or possession of the United States, or in any foreign country.

“(i) To elect or appoint managers and agents of the limited liability company, and define their duties and fix their compensation.

“(j) To make and alter the operating agreement, not inconsistent with its articles of organization or with the laws of this state, for the administration and regulation of the affairs of the limited liability company.

“(k) To make donations for the public welfare or for charitable, scientific, or educational purposes.

“(l) To transact any lawful business which the managers or members find will be in aid of governmental policy.

“(m) To pay pensions and establish pension plans, pension trusts, profit-sharing plans, and other incentive plans for any or all of its managers, employees, former managers, or former employees.

“(n) To indemnify a member, manager, or employee, or former member, manager, or employee of the limited liability company against expenses actually and reasonably incurred in connection with the defense of an action, suit, or proceeding, civil or criminal, in which the member, manager, or employee is made a party by reason of being or having been a member, manager, or employee of the limited liability company, except in relation to matters as to which the member, manager, or employee is determined in the action, suit, or proceeding to be liable for negligence or misconduct in the performance of duty; to make any other indemnification that is authorized by the articles of organization, the operating agreement, or by a resolution adopted by the members after notice (unless notice is waived); to purchase and maintain insurance on behalf of any person who is or was a member, manager, or employee of the limited liability company against any liability asserted against and incurred by the member, manager, or employee in any capacity or arising out of the member's, manager's, or employee's status as such, whether or not the limited liability company would have the power to indemnify the member, manager, or employee against that liability under the provisions of this subsection.

“(o) To cease its activities.

“(p) To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the limited liability company is organized.

“(q) To become a partner, limited partner, shareholder, member, or associate of a general partnership, limited partnership, registered limited liability partnership, corporation, joint venture or similar association, or another limited liability company.

“(r) To be a promoter, incorporator, organizer, or manager of any corporation, general partnership, limited partnership, registered limited liability partnership, limited liability company, joint venture, trust, or other enterprise.

“(s) To render professional services, if each member or employee who renders professional services in Alabama is licensed or registered to render those professional services pursuant to applicable Alabama law and if the limited liability company complies with the limitations of Section 10-12-45.

“§10-12-5.

“The name of each limited liability company as set forth in its articles of organization shall contain the words “Limited Liability Company” or the abbreviation “L.L.C.” or “LLC”. These words or their abbreviation shall be the last words of the name of every limited liability company formed under the provisions of this chapter. The limited liability company name may not contain a word or phrase which indicates or implies that it is organized for a purpose other than one or more of the purposes contained in its articles of organization.

“§10-12-8.

“(a) The terms “partnership” and “limited partnership,” when used in any chapter or title other than this chapter, the Alabama Uniform Partnership Act (Chapter 8A, Title 10), and the Alabama Limited Partnership Act of 1983 (Chapter 9A, Title 10), and any successors of those acts, include a limited liability company organized under this chapter, unless the context requires otherwise.

“(b) Notwithstanding subsection (a), for purposes of taxation, a domestic or foreign limited liability company shall be treated as a partnership unless it is classified otherwise for federal income tax purposes, in which case it shall be classified in the same manner as it is for federal income tax purposes.

“(c) A foreign or domestic limited liability company governed by this chapter is subject to any amendment to or repeal of this chapter.

“§10-12-9.

“One or more persons may form a limited liability company by filing the articles of organization for the limited liability company

with the probate judge of the county in which the initial registered office of the limited liability company is located.

“§10-12-10.

“(a) The articles of organization shall set forth:

“(1) The name of the limited liability company.

“(2) The period of its duration, if not perpetual.

“(3) The purpose or purposes for which the limited liability company is organized.

“(4) The location and mailing address of its initial registered office, and the name of its initial registered agent at that address.

“(5) The names and mailing addresses of the initial member or members, and, if any, organizer of the limited liability company.

“(6) The right, if given, of the member or members to admit additional members, and the terms and conditions of the admission.

“(7) The circumstances, if any, under which the cessation of membership of one or more members will result in dissolution of the limited liability company.

“(8) If the limited liability company is to be managed by one or more managers, the articles of organization shall so state and shall set out the names and the mailing addresses of the manager or managers who are to serve as managers until their successors are elected and being serving.

“(9) Any other provision, not inconsistent with law, for the regulation of the internal affairs of the limited liability company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the limited liability company.

“(b) It is not necessary to set out in the articles of organization any of the powers enumerated in this chapter.

“§10-12-12.

“(a) The articles of organization and two copies shall be delivered to the probate judge. If the probate judge finds that the articles of organization conform to law, the probate judge shall, upon receipt of all fees required by this chapter:

“(1) Endorse on the articles of organization and on each of the copies the word “Filed,” and the hour, day, month, and year of the filing.

“(2) File the articles of organization in the office of the probate judge and certify the two copies.

“(3) Issue one certified copy of the articles of organization, and return the certified copy to the organizer or members.

“(4) Within 10 days after the issuance of the certified copy of the articles of organization, transmit to the Secretary of State a certified copy of the articles of organization, indicating thereon the place, date, and time of filing of the articles of organization.

“(b) For failure of the probate judge to comply with the requirement in subdivision (4) of subsection (a) of this section, the probate judge shall forfeit \$50 to the state, to be recovered in an action by the state.

“(c) An amendment and two copies shall be delivered to the office of the probate judge in which the articles of organization are filed. A person who executes an amendment as an agent or fiduciary need not exhibit evidence of authority as a prerequisite to filing. If the probate judge finds that the amendment substantially conforms to law, the probate judge shall, upon receipt of all filing fees required by this chapter:

“(1) Endorse on the amendment the word “Filed” and the day, month, and year of the filing thereof.

“(2) File the endorsed amendment in the office of the probate judge.

“(d) Upon the filing of the amendment in the office of the probate judge, the articles of organization shall be amended as set forth therein.

“§10-12-13.

“(a) Unless otherwise specified in this chapter, each document required by this chapter to be filed in the office of the probate judge shall be executed in the following manner:

“(1) The articles of organization shall be signed by one or more members named therein or an organizer.

“(2) An amendment shall be signed by at least one member.

“(3) If an amendment requires the adding of a new member, the amendment shall be signed by a person who was a member before the amendment was filed and by the new member.

“(4) Articles of dissolution shall be signed by at least one member, as authorized pursuant to the operating agreement.

“(b) Any person may sign a document required by this chapter by an attorney-in-fact, but a power of attorney relating to the admission of a member shall specify that admission of a new member is an authorized act of the attorney-in-fact.

“(c) The execution of articles of organization by a member or an organizer, or the execution of articles, of dissolution, or of an amendment by a member constitutes an affirmation that the facts therein are true under penalties for perjury prescribed by Section 13A-10-103 or its successor.

“§10-12-14.

“(a) Upon the filing of the articles of organization with the probate judge, the limited liability company’s existence shall begin. A copy of the articles of organization that is stamped “filed” and marked with the filing date and issued by the probate judge shall be conclusive evidence that all conditions precedent required to be performed by the members have been complied with and that the limited liability company has been legally organized under this chapter, except in a proceeding brought by the State of Alabama either to cancel or revoke the articles of organization or to involuntarily dissolve the limited liability company.

“(b) A limited liability company may not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the articles of organization have been filed as described in subsection (a) above. Persons engaged in prefiling activities other than those authorized by this subsection shall be jointly and severally liable for any debts or liabilities incurred in the course of those activities as provided in Section 10-12-7. In no event shall the activities of an organizer authorized under this chapter result in liability for such person under this section. This section shall not be interpreted to invalidate any debts, contracts, or liabilities of the limited liability company incurred on behalf of the limited liability company prior to the filing of its articles of organization.

“§10-12-15.

“(a) Each limited liability company shall have and continuously maintain in this state:

“(1) An office, which may be a place of its business in this state.

“(2) An agent for service of process on the limited liability company. The agent shall be an individual resident of this state, a domestic business entity, or a foreign business entity with an office in this state.

“(3) No change in the designation of the agent for service of process required to be maintained under subdivision (2) shall be deemed effective until a statement of that change has been filed with the office of the Secretary of State, designating a new agent

for service of process together with the new agent's street address. Until the statement of change is filed, service of process upon the previously designated agent for service of process shall continue to be effective.

"(4) No change in the address of the agent for service of process required to be maintained under subdivision (2) shall be deemed effective until a statement of that change has been filed with the office of the Secretary of State, designating a new address for service of process. Until the statement of change of address is filed, service of process at the previously designated address of the agent for service of process shall continue to be effective.

"(b) The sole duty of the registered agent is to forward to the foreign or domestic limited liability company at its last known address any process or notice that is served on the registered agent.

"§10-12-16.

"(a) Each limited liability company shall keep at the office referred to in subdivision (1) of subsection (a) of Section 10-12-15 the following records:

"(1) A current list of the full name and last known business or residence street address of each member, and each manager, if any.

"(2) A copy of the filed articles of organization and all amendments thereto, together with executed copies of any powers of attorney pursuant to which any documents have been executed.

"(3) Copies of the limited liability company's federal, state, and local income tax returns and reports, if any, for the three most recent years.

"(4) Copies of any then effective operating agreements including any amendments thereto.

"(5) Copies of any financial statements of the limited liability company for the three most recent years.

"(b) Those records, and any other books and records of the limited liability company, wherever situated, are subject to inspection and copying for any proper purpose at the reasonable request, and at the expense of, any member or the member's agent or attorney during regular business hours. Any agent, member, or manager of a limited liability company who, without reasonable cause, refuses to allow any member or the member's agent or attorney to inspect or copy any books or records of the limited liability company for any proper purpose shall be personally liable to the member for a

penalty in an amount not to exceed 10 percent of the fair market value of the membership interest of the member, in addition to any other damages or remedy.

“§10-12-21.

“(a) Except as provided in subsection (b), every member is an agent of the limited liability company for the purpose of its business or affairs, and the act of any member, including, but not limited to, the execution in the name of the limited liability company of any instrument, for apparently carrying on in the usual way the business or affairs of the limited liability company binds the limited liability company, unless the member so acting has, in fact, no authority to act for the limited liability company in the particular matter and the person with whom the member is dealing has knowledge of the fact that the member has no such authority.

“(b) If the articles of organization provide that management of the limited liability company is vested in a manager or managers, both of the following conditions apply:

“(1) No member, acting solely in the capacity as member, is an agent for the limited liability company.

“(2) Every manager is an agent of the limited liability company for the purpose of its business or affairs, and the act of any manager, including, but not limited to, the execution in the name of the limited liability company of any instrument, for apparently carrying on in the usual way the business or affairs of the limited liability company binds the limited liability company, unless the manager so acting has, in fact, no authority to act for the limited liability company in the particular matter and the person with whom the manager is dealing has knowledge of the fact that the manager has no such authority.

“(c) An act of a manager or a member which is not apparently for the carrying on in the usual way the business of the limited liability company does not bind the limited liability company unless authorized in accordance with the operating agreement at the time of the transaction or at any other time.

“(d) No act of a manager or member in contravention of a restriction on authority shall bind the limited liability company to persons having knowledge of the restriction.

“(e) In a limited liability company managed by its members under subsection (a) of Section 10-12-22, the only fiduciary duties a member owes to the company or to its other members are the duty of loyalty and the duty of care imposed by subsections (f) through (g).

“(f) A member’s duty of loyalty to a member-managed limited liability company and its members is limited to each of the following:

“(1) To account to the limited liability company and to hold as trustee for it any property, profit, or benefit derived by the member in the conduct or winding up of the limited liability company’s business or derived from a use by the member of the limited liability company’s property, including the appropriation of the limited liability company’s opportunity.

“(2) To refrain from dealing with the limited liability company in the conduct or winding up of the limited liability company’s business as or on behalf of a party having an interest adverse to the limited liability company.

“(3) To refrain from competing with the limited liability company in the conduct of the limited liability company’s business before the dissolution of the limited liability company.

“(g) A member’s duty of care to a member-managed limited liability company and its other members in the conduct or winding up of the limited liability company’s business is limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.

“(h) A member shall discharge the duties to a member-managed company and its other members under this chapter or under the operating agreement and exercise any rights consistently with the obligation of good faith and fair dealing.

“(i) A member of a member-managed company does not violate a duty or obligation under this chapter or under the operating agreement merely because the member’s conduct furthers the member’s own interest.

“(j) This section applies to a person winding up the limited liability company’s business as the personal or legal representative of the last surviving member as if the person were a member.

“(k) If the management of a limited liability company is vested in a manager or managers pursuant to subsection (b) of Section 10-12-22, each of the following applies:

“(1) The only duty a member who is not also a manager owes to the company or to the other members solely by reason of being a member is to not disclose or otherwise use information described in subsection (b) of Section 10-12-16, whether or not obtained under the authority of subsection (b) of Section 10-12-16, to the detriment of the company or the other members.

“(2) A manager is held to the same standards of conduct prescribed for members in subsections (f) through (i).

“(3) A member who pursuant to the operating agreement exercises some or all of the rights of a manager in the management and conduct of the company’s business is held to the standards of conduct in subsections (f) through (i) to the extent that the member exercises the managerial authority vested in a manager by this chapter.

“(4) A manager is relieved of liability imposed by law for violation of the standards prescribed by subsections (f) through (i) to the extent of the managerial authority delegated to the members by the operating agreement.

“(1) The articles of organization or operating agreement may modify the duties contained in subsections (e) through (k), but may not provide for any of the following:

“(1) Unreasonably restrict a right to information or access to records under Section 10-12-16.

“(2) Eliminate the duty of loyalty under subsection (f) or subsection (e) of Section 10-12-36, but the articles of organization or operating agreement may provide for any of the following:

“a. Identify types or categories of activities that do not violate the duty of loyalty.

“b. Specify the number or percentage of members or percentage of membership interests or number or percentage of disinterested managers that may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty.

“(3) Unreasonably reduce the duty of care under subsection (g) or subsection (e) of Section 10-12-36.

“(4) Eliminate the obligation of good faith and fair dealing under subsection (h), but the operating agreement may determine the standards by which the performance of the obligation is to be measured, if the standards are not manifestly unreasonable.

“§10-12-22.

“(a) Unless otherwise stated in the articles of organization, the management of the limited liability company is vested in its members. Subject to any provisions in the operating agreement or this chapter restricting or enlarging the management rights and duties of any person or group or class of persons, the members shall have the right and authority to manage the business or affairs of the limited liability company and to make all decisions with respect thereto.

“(b) If the articles of organization vests management of the limited liability company in one or more managers, then the managers shall have the power to manage the business or affairs of the limited liability company as provided in the operating agreement. Except as otherwise provided in the operating agreement, the managers:

“(1) Shall be designated, appointed, elected, removed, or replaced by a vote, approval, or consent of more than one-half the number of members.

“(2) Need not be members of the limited liability company or natural persons.

“(3) Unless they have been earlier removed or have earlier resigned, shall hold office until their successors have been elected and qualified.

“(c) The articles of organization of a limited liability company may provide for classes or groups of members or managers having such relative rights, powers, and duties as so provided, and may make provision for the future creation of additional classes or groups of members or managers having such relative rights, powers, and duties as may be created in the manner provided in the articles of organization, including rights, duties, and powers senior to existing classes and groups of members or managers. The articles of organization may provide for taking action, including the amendment of the articles of organization or operating agreement, without the vote or approval of one or more members or classes or groups of members or managers, including an action to create one or more classes of interests in the company that were not previously outstanding, but are authorized under the articles of organization.

“(d) The articles of organization may grant to all or certain identified members or managers or a specified class or group of members or managers the right to vote separately or with all or any class or group of members or managers on any matter. Voting by members or managers may be on a per capita, number, financial interest, class, group, or any other basis.

“(e) The articles of organization or operating agreement may, with respect to any rights to vote, set forth provisions relating to notice of the time, place, or purpose of any meeting at which any matter is to be voted on by any members or managers or class or group of members or managers, waiver of such notice, action by consent without a meeting, establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

“§10-12-24.

“(b) Subsection (a) shall not apply to any of the following:

“(1) Distributions on dissolution.

“(2) Distributions governed by a contrary provision in the operating agreement.

“(c) No distribution may be made unless, after the distribution is made, the assets of the limited liability company are sufficient to pay all liabilities of the limited liability company except liabilities to members on account of their contributions.

“(d) Unless otherwise provided in the operating agreement, a member has no right to receive and may not be required to accept a distribution in kind.

“§10-12-30.

“Unless the articles of organization or the operating agreement of a limited liability company or a private agreement provide for the purchase of the interest of a former member whose membership has ceased, neither the limited liability company nor its members shall be obligated to purchase the interest of a former member whose membership has ceased.

“(a) The member or members of a limited liability company may enter into an operating agreement to regulate or establish the affairs of the limited liability company, the conduct of its business, and the relations of its members. An operating agreement may contain any provisions regarding the affairs of a limited liability company and the conduct of its business that are not inconsistent with the laws of this state or the articles of organization.

“(b) In the event there is more than one member, any operating agreement shall initially be agreed to, in writing, by all of the members. If an operating agreement does not provide for the method by which an operating agreement may be amended, then all of the members shall agree in writing to any amendment.

“(c) A court of equity may enforce an operating agreement by injunction or by other relief that the court in its discretion determines to be fair and appropriate in the circumstances. As an alternative to injunctive or other equitable relief, when the provisions of Section 10-12-38 are applicable, the court may order dissolution of the limited liability company.

“§10-12-29.

“(a) Except as provided in this section or in the operating agreement, members are entitled to receive distributions from the

limited liability company in proportion to their respective rights to share in profits under Section 10-12-28.

“§10-12-34.

“(a) Except as otherwise provided in the operating agreement or articles of organization:

“(1) If a member who is an individual dies or if a court of competent jurisdiction adjudges a member to be incompetent to manage the member’s person or property, the member’s personal representative, conservator, legal representative, heirs, or legatees may exercise all the member’s financial rights for the purpose of settling the member’s estate or administering the member’s property, including any power the member had to transfer the membership interest.

“(2) If a member is a corporation, limited liability company, trust, general partnership, limited partnership, registered limited liability partnership, custodianship, or other entity and is dissolved or terminated, the financial rights of that member may be exercised by the legal representative or successor of that member.

“(b) The personal representative, conservator, legal representative, heirs, or legatees of a deceased or incompetent member shall have the same rights and duties with respect to the inspection and copying of the books and records of the limited liability company that a member would have under Section 10-12-16 and subdivision (1) of subsection (k) of Section 12-10-21. The duties of care and loyalty specified in Section 10-12-21, including any modifications specified therein, shall inure to the benefit of the personal representative, conservator, legal representative, heirs, or legatees of a deceased or incompetent member.

“§10-12-35.

“(a) On application to a court of competent jurisdiction by any judgment creditor of a member or assignee, the court may charge the interest of the member or assignee with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of financial rights. This section shall be the sole and exclusive remedy of a judgment creditor with respect to the judgment debtor’s membership interest.

“(b) This chapter does not deprive any member of the benefit of any exemption laws applicable to the member’s limited liability company interest.

“§10-12-36.

“(a) A person ceases to be a member of a limited liability company upon the occurrence of one or more of the following events:

“(1) The member ceases to be a member by voluntary act as provided in subsection (d).

“(2) The member ceases to be a member of the limited liability company as provided in Section 10-12-33.

“(3) The member is removed as a member in either of the following manners:

“a. In accordance with the operating agreement.

“b. Subject to contrary provisions in the operating agreement, when the member assigns all of the member’s interest in the limited liability company, by an affirmative vote of a majority in number of the members who have not assigned their interests.

“(b) Subject to contrary provisions in the operating agreement, or written consent of all members at the time, a person ceases to be a member upon the occurrence of one or more of the following events listed in the following subdivision or paragraphs:

“(1) The member:

“a. Makes an assignment for the benefit of creditors.

“b. Files a voluntary petition in bankruptcy.

“c. Is adjudicated bankrupt or insolvent.

“d. Files a petition or answer seeking for the member any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation.

“e. Files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the member in any proceeding in the nature of the proceedings listed in paragraph d.

“f. Seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the member or of all or any substantial part of the member’s properties.

“(2) Any of the following time periods have elapsed:

“a. 120 days have elapsed after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, unless the proceeding has been dismissed.

“b. 90 days have elapsed after the appointment, without the consent of the member, of a trustee, receiver, or liquidator of the

member or of all or any substantial part of the member's properties, unless the appointment is vacated or stayed.

"c. 90 days have elapsed after the expiration of any stay, unless the appointment is vacated.

"(3) In the case of a member who is an individual:

"a. The member dies.

"b. A court of competent jurisdiction adjudicates the member incompetent to manage the member's person or property.

"(4) In the case of a member who is a trustee or is acting as a member by virtue of being a trustee of a trust, the termination of the trust, but not merely the substitution of a new trustee.

"(5) In the case of a member that is a separate limited liability company, the dissolution and commencement of winding up of the separate limited liability company.

"(6) In the case of a member that is a corporation:

"a. The filing of articles of dissolution or the equivalent for the corporation.

"b. The revocation of its charter and the lapse of 90 days after notice to the corporation of revocation without a reinstatement of its charter.

"(7) In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the limited liability company.

"(8) In the case of a limited liability company performing professional services, at the time a member's license or registration to perform the professional services is terminated or suspended for a period of more than 12 months.

"(9) In the case of a general partnership, a limited partnership, or a registered limited liability partnership, the dissolution and commencement of winding up of the partnership.

"(c) The members may provide in the operating agreement for other events the occurrence of which result in a person ceasing to be a member of the limited liability company.

"(d) Unless the operating agreement provides that a member has no power to cease being a member of a limited liability company by voluntary act, the member may do so at any time by giving notice as provided in the operating agreement, or, if there is no such provision, 30 days written notice to the other members. If the member has the power to cease being a member by a voluntary act but the cessation is a breach of the operating agreement, or the

cessation occurs as a result of otherwise wrongful conduct of the member, the limited liability company may recover damages from the member whose membership has ceased for breach of the operating agreement, including the reasonable cost of obtaining replacement for the services such member was obligated to perform. Unless otherwise provided in the operating agreement, in the case of a limited liability company for a definite term or particular undertaking, cessation of membership by voluntary act of a member before the expiration of that term is a breach of the operating agreement.

“(e) Upon a member’s cessation of membership each of the following applies:

“(1) The member’s governance rights terminate.

“(2) The member’s duty of loyalty under subsection (f) of Section 10-12-21 terminates.

“(3) The member’s duty of loyalty under subsection (f) of Section 10-12-21 and duty of care under subsection (g) of Section 10-12-21 continue only with regard to matters arising and events occurring before the member’s cessation of membership, unless the member participates in the winding up of the limited liability company’s business pursuant to Section 10-12-39.

“(4) The member’s duty of loyalty with respect to information shall be the same as that of a member who is not a manager under subdivision (1) of subsection (k) of Section 10-12-21, unless the member participates in the winding up of the limited liability company’s business pursuant to Section 10-12-39, in which event subdivision (3) of this subsection applies.

“§10-12-37.

“A limited liability company is dissolved and its affairs shall be wound up upon occurrence of the first of the following events:

“(1) Events specified in the articles of organization or the operating agreement.

“(2) Written consent of all members to dissolve.

“(3) When there is no remaining member, unless either of the following applies:

“a. The holders of all the financial rights in the limited liability company agree in writing, within 90 days after the cessation of membership of the last member, to continue the legal existence and business of the limited liability company and to appoint one or more new members.

"b. The legal existence and business of the limited liability company is continued and one or more new members are appointed in the manner stated in the operating agreement or articles of organization.

"(4) When the limited liability company is not the successor limited liability company in the merger or consolidation with one or more limited liability companies or other entities.

"(5) Entry of a decree of judicial dissolution under Section 10-12-38.

"§10-12-45.

"(a) Every individual who renders professional services as a member or as an employee of a limited liability company shall be liable for any negligent or wrongful act or omission in which the individual personally participates to the same extent the individual would be liable if the individual rendered the services as a sole practitioner.

"(b) The personal liability of a member, manager, or other employee of any limited liability company engaged in providing professional services shall be no greater than that of a shareholder, employee, director, or officer of a corporation organized under the Alabama Business Corporation Act or any successor act.

"(c) The personal liability of a member, manager, or employee of a foreign limited liability company shall be determined under the law of the jurisdiction in which it is organized.

"(d) Nothing in this chapter shall restrict or limit in any manner the authority or duty of a licensing authority with respect to individuals rendering a professional service within the jurisdiction of the licensing authority. Nothing in this chapter shall restrict or limit any law, rule, or regulation pertaining to standards of professional conduct.

"(e) Nothing in this chapter shall limit the authority of a licensing authority to impose requirements in addition to those stated in this chapter on any limited liability company or foreign limited liability company rendering professional services within the jurisdiction of the licensing authority.

"(f) A limited liability company organized to render professional services under this chapter may render only one specific type of professional services, and services ancillary to them, and may not engage in any business other than rendering the professional services which it was organized to render, and services ancillary to them. In addition, a limited liability company organized to render

professional services shall be subject to the restrictions imposed on professional corporations by the Revised Alabama Professional Corporation Act, Sections 10-4-380 through 10-4-404 inclusive, as amended from time to time.

“(g) A limited liability company organized to render professional services, domestic or foreign, may render professional services in Alabama only through individuals permitted to render those services in Alabama; but nothing in this chapter shall be construed to require that any individual who is employed by a limited liability company rendering professional services be licensed to perform services for which no license is otherwise required or to prohibit the rendering of professional services by a licensed individual acting in an individual capacity, notwithstanding that the individual may be a member, manager, employee or agent of a domestic or foreign limited liability company rendering professional services.

“(h) A member’s interest in a limited liability company organized to render professional services may be voluntarily transferred only to a person who is licensed or registered to render the professional services for which the company was organized.

“(i) If a membership interest is transferred by gift or inheritance to a person who is not licensed or registered to render the professional services for which the limited liability company was organized or if a member’s license or registration to perform the professional services for which the limited liability company was organized is terminated or suspended for a period of more than 12 months, the person or member shall not be treated as owning financial rights or an ownership interest in the limited liability company and shall be entitled only to receive the fair value of the membership interest determined in the same manner as the fair value of interests in professional corporations is determined under Section 10-4-389.

“§10-12-47.

“(a) Before transacting business in this state, a foreign limited liability company shall register with the Secretary of State. To register, a foreign limited liability company shall submit to the Secretary of State, in duplicate, on forms furnished by the Secretary of State, an application for registration as a foreign limited liability company, signed by an authorized member or manager or other representative setting forth the following:

“(1) The name of the foreign limited liability company, and if different, the name under which it proposes to register and transact business in this state.

“(2) The state or other jurisdiction where it was formed, the name and address in that state or other jurisdiction where its articles of organization (or equivalent document) and all amendments thereto are on file, and the date of its formation.

“(3) The general character of the business it proposes to transact in this state.

“(4) The name and address of an agent for service of process on the foreign limited liability company. The agent shall satisfy and continue to satisfy the requirements applicable to registered agents of domestic limited liability companies under Section 10-12-15.

“(5) The street address of the office required to be maintained in the state or other jurisdiction of its organization by the laws of that state or other jurisdiction, or, if not so required, of the principal office of the foreign limited liability company.

“(6) A statement that the foreign limited liability company consents to service of process on it by registered mail addressed to it at the address specified in subdivision (5), if the agent appointed under subdivision (4) cannot be found or served with the exercise of reasonable diligence.

“(b) The execution by a member or manager of an application for registration as a foreign limited liability company, or the execution of any certificate of amendment to such an application under Section 10-12-50, constitutes an affirmation that the facts therein are true under penalties of perjury prescribed by Section 13A-10-103 or its successor.

“(c) A foreign limited liability company shall not be deemed to be transacting business in this state for the purposes of this section solely by reason of offers or sales of interests in the limited liability company in this state.

“§10-12-51.

“A foreign limited liability company may cancel its registration by filing with the Secretary of State a certificate of cancellation signed by a duly authorized member or manager or other representative. A cancellation does not terminate the consent to service of process on the foreign limited liability company as provided in Section 10-12-47 with respect to causes of action arising out of business transacted within this state.

“§10-12-55.

“(a) If a domestic limited liability company is merging under this chapter, the domestic limited liability company or other business

entity surviving or resulting from the merger shall file articles of merger in the Office of the Secretary of State. If a domestic limited liability company is filing the articles of merger, the articles of merger shall be signed by at least one member of the domestic limited liability company, and if another business entity is filing the articles of merger, the articles of merger shall be signed by a person authorized by the other business entity. The articles of merger shall state all of the following:

“(1) The name, jurisdiction, and date of formation or organization of each of the domestic limited liability companies or other business entities that are to merge.

“(2) That an agreement of merger has been approved and executed by each of the domestic limited liability companies or other business entities that are to merge.

“(3) The name of the surviving or resulting domestic limited liability company or other business entity.

“(4) The future effective date or time (which shall be a date or time certain) of the merger if it is not to be effective upon the filing of the articles of merger.

“(5) That the agreement of merger is on file at a place of business of the surviving or resulting domestic limited liability company or other business entity, and shall state the street address of that place of business.

“(6) That a copy of the agreement of merger will be furnished by the surviving or resulting domestic limited liability company or other business entity, on request and without cost, to any member of any domestic limited liability company or any person holding an interest in any other business entity which is a party to the merger.

“(7) If the surviving or resulting entity is not a domestic limited liability company or other business entity organized under the laws of this state, a statement that the foreign business entity consents to service of process on it by registered mail addressed to the foreign business entity at the office required to be maintained in the state or other jurisdiction where it is organized by the laws of that state or, other jurisdiction, or, if not so required, at its principal office, if it has not appointed an agent under Section 10-12-47 or if that agent cannot be found or served with the exercise of reasonable diligence.

“(b) A merger shall be effective upon the filing in the Office of the Secretary of State of the articles of merger unless a future effective date or time is provided in the articles of merger, in which event the merger shall be effective at the future date or time specified.”

Section 2. (a) The amendments to the various sections of Chapter 12 of Title 10 specified in Section 1 shall govern limited liability companies organized after January 1, 1998.

(b) After December 31, 2000, the amendments to the various sections of Chapter 12 of Title 10 specified in Section 1 shall govern all limited liability companies, whether formed before, on, or after January 1, 1998.

(c) Before January 1, 2001, a limited liability company may elect to be governed by the amendments to the various sections of Chapter 12 of Title 10 specified in Section 1. Such election shall be made (i) in the manner provided in its articles of organization or operating agreement or (ii) by law for amending the articles of organization or operating agreement.

Section 3. This act shall be effective January 1, 1998.

Approved September 23, 1997

Time: 10:14 A.M.

Act No. 97-921

H. 4 – Rep. Gaines

AN ACT

Relating to limited partnerships in Alabama pursuant to Title 10, Code of Alabama 1975; to provide for the repeal of Chapter 9A of Title 10 (Sections 10-9A-1 to 10-9A-203, inclusive) and to provide for the Alabama Limited Partnership Act of 1997 as a new Chapter 9B of Title 10; Chapter 9B would provide for the following: Article 1 General Provisions; definition of terms; the name of limited partnerships; a specified office and agent in the state; the records required of limited partnerships and rights to inspect records; the nature of business of limited partnerships, which excludes banking and insurance; the business transactions of a partner in the limited partnership; Article 2 Formation; certificate of limited partnership; amendment to a certificate; the cancellation of a certificate; execution of certificates by the judge of probate; execution by judicial act of the circuit court; filing in the office of the judge of probate; liability for material false statement in the certificate; scope of notice of a certificate; restricted certificate; Article 3 Limited Partners; admission of limited partners; voting by limited partners; liability of limited partners to third parties; rights of persons erroneously believing himself or herself to be a limited partner to execute a certificate or amendment to a certificate or to withdraw from future equity participation; access to information, the right of a limited partner to inspect and copy partnership records; Article 4 General Partners; admission of additional partners into limited partnerships; events of withdrawal by a general partner; general powers and liabilities of general partners; contributions by a general partner; voting by general partners; Article 5 Finance; form of contributions by a partner to limited partnerships and liability for contributions; the allocation of profits and losses among partners and the sharing of distributions of cash or other assets; Article 6 Distributions and Withdrawal; interim distributions; withdrawal of general partners and of limited partners; distributions, distributors in kind upon withdrawal, rights and limitations on distribution; Article 7 Assignment

of Partnership Interests; nature and assignment of partnership interests; rights of creditors to partnership interests; right of assignee to become limited partner; powers of successors in interest; Article 8 Dissolution; nonjudicial dissolution; judicial dissolution; winding up; distribution of assets; Article 9 Limited Partnerships; governing laws; registration; issuance of distribution; name of foreign limited partnership; changes and amendments; cancellation of registration; transaction of business without registration; restraining action by Attorney General; Article 10 Derivative Actions; right of action; proper plaintiff; pleading; expenses; Article 10A Conversions and Mergers; definitions; conversion of limited partnership to general partnership, corporation or limited liability company, or foreign limited partnership; conversion of general partnership, corporation, limited liability company, or foreign limited partnership to limited partnership; merger of limited partnerships and business entities; requirements for certificates of merger; certificate serving as certificate of cancellation; effect of merger; nonexclusivity of Article 10A; Article 11 Miscellaneous Provisions; construction; short title; severability; effective date and repeal; rules for cases not provided in Chapter 9B; and savings clause.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Limited Partnership Act of 1997 is provided as follows as a new Chapter 9B of Title 10, Code of Alabama 1975:

ALABAMA LIMITED PARTNERSHIP ACT OF 1997

ARTICLE 1

GENERAL PROVISIONS

Section 10-9B-101. Definitions. As used in this chapter, unless the context otherwise requires, the following terms have the following meanings:

(1) **BUSINESS ENTITY.** A corporation, limited liability company, partnership, limited partnership, registered limited liability partnership, or other entity to engage in business, whether for profit or not, created under the laws of the State of Alabama, predecessor law, or law of another jurisdiction.

(2) **CERTIFICATE OF LIMITED PARTNERSHIP.** The certificate referred to in Section 10-9B-201, as the certificate is amended from time to time or restated.

(3) **CONTRIBUTION.** Includes any cash, property, services rendered, or a promissory note or other binding obligation to pay cash or convey property or render services, which a partner contributes as capital to a limited partnership in his or her capacity as a partner.

(4) **EVENT OF WITHDRAWAL OF A GENERAL PARTNER.** An event that causes the withdrawal of a general partner under Section 10-9B-402.

(5) **FOREIGN LIMITED PARTNERSHIP.** A partnership formed under the laws of any state other than the State of

Alabama or under the laws of a foreign country and having as partners one or more general partners and one or more limited partners.

(6) **GENERAL PARTNER.** A person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

(7) **KNOWLEDGE.** A person's actual knowledge of a fact, rather than a person's constructive knowledge of the fact.

(8) **LIMITED PARTNER.** A person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

(9) **LIMITED PARTNERSHIP and DOMESTIC LIMITED PARTNERSHIP.** A partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

(10) **PARTNER.** Any limited or general partner.

(11) **PARTNERSHIP AGREEMENT.** Any valid written or oral agreement of the partners as to the affairs of a limited partnership and the conduct of its business, including, in the case of limited partnerships formed prior to October 1, 1998, the certificate of limited partnership.

(12) **PARTNERSHIP INTEREST.** A partner's share of the capital and profits and losses of a limited partnership, the right to receive distributions of partnership assets, and the right to receive any allocation of income, gain, loss, deduction, credit, or similar items.

(13) **PERSON.** A natural person or (whether domestic or foreign) a partnership (including a registered limited liability partnership), limited partnership, limited liability company, custodian-ship, trust, estate, association, or corporation or (whether such status is created by the law of Alabama or another state or foreign country) trustee, personal representative, custodian, fiduciary (as defined in Section 19-3-150) or person performing in any similar capacity, or other legal entity.

(14) **STATE.** A state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Section 10-9B-102. Name. The name of each limited partnership as set forth in its certificate of limited partnership:

(1) Shall contain the word "Limited" or the abbreviation "Ltd." or "L.P." or "LP";

(2) May not contain the name of a limited partner unless (i) it is also the name of a general partner or the corporate name of a corporate general partner, or (ii) the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(3) May not contain the following words: "bank," "banking," "banker," "trust," "insurance," "insurer," "corporation," "incorporated," or any abbreviation of such words.

Section 10-9B-103. [Reserved]

Section 10-9B-104. Specified office and agent.

(a) Each limited partnership shall continuously maintain in this state:

(1) An office, which may but need not be a place of its business in this state, at which shall be kept the records required by Section 10-9B-105 to be maintained; and

(2) An agent for service of process on the limited partnership, which agent must be an individual resident of this state, a domestic business entity, or a foreign business entity having a place of business in and authorized to do business in this state.

(b) Each limited partnership organized under the laws of this state shall file with the Office of the Secretary of State, within the time prescribed in this section, a report setting forth:

(1) The name of the partnership;

(2) The county in which its certificate of limited partnership is filed;

(3) Its principal place of business in this state;

(4) The address of the office required to be maintained under subsection (a)(1) hereof; and

(5) The name of and address of the agent for service of process required to be maintained under subsection (a)(2) hereof.

(c) Such report shall be delivered to the Secretary of State within 30 days of the date the certificate of limited partnership is filed with the office of the judge of probate in the county in which its certificate of limited partnership is filed. Proof to the satisfaction of the Secretary of State that prior to the due date for the filing of such report, it was deposited in the United States mail, in a sealed envelope, properly addressed, with postage prepaid, shall be

deemed compliance with this requirement. If the Secretary of State finds that such report conforms to the requirement of this section, he or she shall file the same. If he or she finds that it does not so conform, he or she shall promptly return the same to the limited partnership for any necessary corrections, in which event no penalties hereinafter prescribed for failure to file such report within the time herein above provided shall apply, if such report is corrected to conform to the requirements of this section and returned to the Secretary of State within 30 days from the date on which it was mailed to the partnership by the Secretary of State.

(d) The Secretary of State shall charge and collect a fee of five dollars (\$5), payable to the State of Alabama, for filing the report required hereunder or for filing any statement of change under this section.

(e) Any limited partnership that fails or refuses to file its report required hereunder within 30 days after the receipt of written notice from the Secretary of State of its failure to file such report, shall be subject to a penalty of fifty dollars (\$50), payable to the State of Alabama.

(f) The Secretary of State shall keep an alphabetical list of domestic limited partnerships whose reports have been filed in his or her office and of foreign limited partnerships which have registered in this state, together with the data contained in said annual reports or applications for registration as a foreign limited partnership.

(g) Whenever there is any change with respect to the information set forth in such report of any limited partnership, it shall within 30 days of such change file a statement of the change with the Office of the Secretary of State. The requirement of filing any such change with the Office of the Secretary of State is in addition to any requirement of filing an amendment to the certificate of limited partnership imposed under Section 10-9B-202 hereof. No change in the designation of the agent for service of process required to be maintained under subsection (a)(2) hereof shall be deemed effective until a statement of such change has been filed with the Office of the Secretary of State, designating a new agent for service of process together with such agent's street address. Until such statement of change is filed, service of process upon the previously designated agent for service of process shall continue to be effective.

(h) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a partnership in any other manner now or hereafter permitted by law.

Section 10-9B-105. Records to be kept; right of inspection.

(a) Each limited partnership shall keep at the office referred to in Section 10-9B-104(a)(1) the following:

(1) A current list of the full name and last known business or residence address of each partner (which address shall be a street address), separately identifying the general partners (in alphabetical order) and the limited partners (in alphabetical order);

(2) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

(3) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the three most recent years;

(4) Copies of any then effective written partnership agreements and of any financial statements of the limited partnership for the three most recent years; and

(5) Unless contained in a written partnership agreement, a writing setting out:

(i) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(ii) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(iii) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(iv) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

(b) Records kept under this section, and any other books and records of the partnership, wherever situated, are subject to inspection and copying at the reasonable request and at the expense of any partner during ordinary business hours. Any agent or general partner of a partnership who, without reasonable cause, fails or refuses to produce such books or records within 10 days of a written demand of any partner, and to allow such partner or his or her agent or attorney, so to inspect or copy such books or records of the partnership, for any proper purpose, shall be personally liable to such partner for a penalty of an amount not to exceed

10 percent of the fair value of the partnership interest of such partner, in addition to any other damages or remedy.

Section 10-9B-106. Nature of business. A limited partnership may carry on any business that a partnership without limited partners may carry on except banking or insurance business.

Section 10-9B-107. Business transactions of partner with partnership. Except as provided in the partnership agreement, a partner may lend money to and transact other business with the limited partnership and, subject to other applicable law, has the same rights and obligations with respect thereto as a person who is not a partner.

ARTICLE 2

FORMATION: CERTIFICATE OF LIMITED PARTNERSHIP

Section 10-9B-201. Certificate of limited partnership.

(a) In order to form a limited partnership a certificate of limited partnership must be executed and delivered to the office of the judge of probate of the county in which is located the office required to be maintained by Section 10-9B-104. If the judge of probate finds that the certificate substantially conforms to law, he or she shall, when all prescribed fees have been paid, file such certificate of limited partnership in his or her office. Such certificate of limited partnership shall set forth:

- (1) The name of the limited partnership;
- (2) The street address of the office and the name and street address of the agent for service of process required to be maintained by Section 10-9B-104;
- (3) The name and the mailing address of each general partner;
- (4) The latest date upon which the limited partnership is to dissolve (or, if no such date is stated, the partnership's existence shall be perpetual); and
- (5) Any other matters the general partners determine to include therein.

(b) A limited partnership is formed at the time of the filing of the certificate of limited partnership in the office of the judge of probate or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section. The acceptance and filing of the certificate of limited partnership certificate by any judge of probate of this state shall be conclusive evidence that there has been substantial compliance with the requirements of this section.

Section 10-9B-202. Amendment to certificate.

(a) A certificate of limited partnership is amended by filing a certificate of amendment thereto in the office of the judge of probate in whose office the certificate of limited partnership is filed. The certificate of amendment shall set forth:

- (1) The name of the limited partnership;
- (2) The date of filing the certificate of limited partnership; and
- (3) The amendment to the certificate.

(b) Within 30 days after the happening of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of the event or events shall be filed:

- (1) The admission of a new general partner;
- (2) The withdrawal of a general partner; or
- (3) The continuation of the business under Section 10-9B-801 after an event of withdrawal of a general partner.

(c) A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described have changed (other than an arrangement or fact required to be set forth in the certificate under the predecessor to Section 10-9B-201 but which is no longer required under Section 10-9B-201 of this chapter), making the certificate inaccurate in any respect, shall promptly amend the certificate.

(d) A certificate of limited partnership may be amended at any time for any other proper purpose the general partners may determine.

(e) No person has any liability because an amendment to a certificate of limited partnership has not been filed (i) to reflect the occurrence of any event referred to in subsection (b) of this section if the amendment is filed within the 30-day period specified in subsection (b), or (ii) to reflect a change in any arrangement or fact required to be set forth in the certificate under the predecessor to Section 10-9B-201 but which is no longer required under Section 10-9B-201 of this chapter.

(f) A restated certificate of limited partnership may be executed and filed as provided in Section 10-9B-209.

Section 10-9B-203. Cancellation of certificate. A certificate of limited partnership shall be canceled upon the dissolution and

the commencement of winding up of the partnership or at any other time there are no limited partners. A certificate of cancellation shall be filed in the office of the judge of probate of the county in which the certificate of limited partnership is filed and shall set forth:

- (1) The name of the limited partnership;
- (2) The date of filing of its certificate of limited partnership;
- (3) The reason for filing the certificate of cancellation;
- (4) The effective date (which shall be a date certain) of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) Any other information the general partners filing the certificate determine.

Section 10-9B-204. Execution of certificates.

(a) Each certificate required by this article to be filed in the office of the judge of probate shall be executed in the following manner:

(1) An original certificate of limited partnership must be signed by all general partners;

(2) A certificate of amendment must be signed by at least one general partner and by each other general partner designated in the certificate as a new general partner; and

(3) A certificate of cancellation must be signed by all general partners.

(b) Any person may sign a certificate by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission of a general partner must specifically describe the admission.

(c) The execution of a certificate by a general partner constitutes an affirmation under the penalties of perjury in the third degree (false swearing) prescribed by Section 13A-10-103 or its successor that the facts stated therein are true in all material respects.

Section 10-9B-205. Execution by judicial act. If a person required by Section 10-9B-204 to execute any certificate fails or refuses to do so, any person who is adversely affected by the failure or refusal may petition the circuit court for the judicial circuit in which the county is located where the certificate of limited partnership is filed to direct the execution of the certificate. If the court finds that it is proper for the certificate to be executed and that

any person so designated has failed or refused to execute the certificate, it shall order the judge of probate of the county in which the certificate of limited partnership was filed to record an appropriate certificate.

Section 10-9B-206. Filing in the office of the judge of probate.

(a) A signed copy of the certificate of limited partnership shall be delivered to the judge of probate of the county in which the office required under Section 10-9B-104 is located. A signed copy of any certificate of amendment or cancellation (or of any judicial decree of amendment or cancellation) shall be delivered to the judge of probate of the county in which the certificate of limited partnership is filed. A person who executes a certificate as an agent or fiduciary need not exhibit evidence of his or her authority as a prerequisite to filing. If the judge of probate finds that any certificate substantially conforms to law, he or she shall upon receipt of all filing fees required by law:

(1) Endorse thereon the word "Filed" and the day, month, and year of the filing thereof;

(2) File the same in his or her office.

(b) Upon the filing of a certificate of amendment (or judicial decree of amendment) in the office of the judge of probate, the certificate of limited partnership shall be amended as set forth therein, and upon the effective date of a certificate of cancellation (or a judicial decree thereof), the certificate of limited partnership is canceled.

(c) The acceptance and filing of a certificate of limited partnership, certificate of amendment, or certificate of cancellation by any judge of probate of this state shall be conclusive evidence that there has been substantial compliance with the requirements of this section with respect to such certificate.

Section 10-9B-207. Liability for material false statement in certificate. If any certificate of limited partnership or certificate of amendment or cancellation contains any statement which is false in any material respect, one who suffers loss by reasonable reliance on the statement may recover damages for the loss from:

(1) Any general partner (whether or not he or she executed the certificate) who knew or should have known, the statement to be false at the time the certificate was executed; and

(2) Any general partner who thereafter knows or should have known that any arrangement or other fact described in the certificate has changed (other than an arrangement or fact as to which

amendment of the certificate was required under the predecessor to Section 10-9B-202 of this chapter but as to which amendment is no longer required under Section 10-9B-202 of this chapter), making the statement false in any material respect within a sufficient time before the statement was relied upon reasonably to have enabled that general partner to cancel or amend the certificate, or to file a petition for its cancellation or amendment under Section 10-9B-205.

Section 10-9B-208. Scope of notice. The fact that a certificate of limited partnership is on file in the office of the judge of probate is constructive notice that the partnership is a limited partnership and the persons designated therein as general partners are general partners, but it is not constructive notice of any other fact.

Section 10-9B-209. Restated certificate.

(a) A limited partnership may, whenever desired, integrate into a single instrument all of the provisions of its certificate of limited partnership which are then in effect and operative as a result of there having theretofore been filed with the office of the judge of probate one or more certificates or other instruments pursuant to any of the sections referred to in this article and it may at the same time also further amend its certificate of limited partnership by adopting a restated certificate of limited partnership.

(b) If the restated certificate of limited partnership merely restates and integrates but does not further amend the initial certificate of limited partnership, as theretofore amended or supplemented by any instrument that was executed and filed pursuant to any of the sections in this article, it shall be specifically designated in its heading as a "Restated Certificate of Limited Partnership" together with such other words as the partnership may deem appropriate and shall be executed by a general partner and filed as provided in Section 10-9B-206 of this chapter in the office of the judge of probate in whose office the original certificate of limited partnership was filed. If the restated certificate restates and integrates and also further amends in any respect the certificate of limited partnership, as theretofore amended or supplemented, it shall be specifically designated in its heading as an "Amended and Restated Certificate of Limited Partnership" together with such other words as the partnership may deem appropriate and shall be executed by at least one general partner and by each other general partner designated in the restated certificate as a new general partner (but if the restated certificate reflects the withdrawal of a general partner as a general partner, such restated certificate of limited partnership need not be signed by that former general

partner), and filed as provided in Section 10-9B-206 of this chapter in the office of the judge of probate in whose office the original certificate of limited partnership is filed.

(c) A restated certificate of limited partnership shall state, either in its heading or in an introductory paragraph, the limited partnership's present name, and, if it has been changed, the name under which it was originally filed, and the date of filing of its original certificate of limited partnership with the office of the judge of probate, and the future effective date or time (which shall be a date or time certain) of the restated certificate if it is not to be effective upon the filing of the restated certificate. A restated certificate shall also state that it was duly executed and is being filed in accordance with this section. If the restated certificate only restates and integrates and does not further amend the limited partnership's certificate of limited partnership as theretofore amended or supplemented and there is no discrepancy between those provisions and the restated certificate, it shall state that fact as well.

(d) Upon the filing of the restated certificate of limited partnership with the office of the judge of probate, or upon the future effective date or time of a restated certificate of limited partnership as provided for therein, the initial certificate of limited partnership, as theretofore amended or supplemented, shall be superseded; thenceforth, the restated certificate of limited partnership, including any further amendment or changes made thereby, shall be the certificate of limited partnership of the limited partnership, but the original effective date of formation shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the certificate of limited partnership shall be subject to any other provision of this chapter, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

ARTICLE 3

LIMITED PARTNERS

Section 10-9B-301. Admission of limited partners.

(a) In connection with the formation of a limited partnership, a person acquiring a partnership interest as a limited partner is admitted as a limited partner of the limited partnership upon the later to occur of:

- (1) The formation of the limited partnership; or

(2) The time provided in and upon compliance with the partnership agreement or, if the partnership agreement does not so provide, when the person's admission is reflected in the records of the limited partnership.

(b) After the formation of a limited partnership, a person acquiring a partnership interest as a limited partner is admitted as a limited partner of the limited partnership:

(1) In the case of a person acquiring a partnership interest directly from the limited partnership, at the time provided in and upon compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners and when the person's admission is reflected in the records of the limited partnership; or

(2) In the case of an assignee of a partnership interest, as provided in Section 10-9B-704(a) of this chapter and at the time provided in and upon compliance with the partnership agreement or, if the partnership agreement does not so provide, when any such person's permitted admission is reflected in the records of the limited partnership.

Section 10-9B-302. Voting.

(a) Subject to Section 10-9B-303, the partnership agreement may grant to all or a specified group of the limited partners the right to vote (on a per capita or other basis) upon any matter.

(b) When the partnership agreement grants such right to vote, it may make any provision that the parties, to the agreement deem appropriate as to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any limited partners, for waiver of any such notice, for informal action by consent without a meeting, quorum requirements, voting in person or by proxy, or any other provisions with respect to the exercise of any such right to vote.

Section 10-9B-303. Liability to third parties.

(a) Except as provided in subsection (d), a limited partner is not liable for the obligations of a limited partnership unless he or she is also a general partner or, in addition to the exercise of his or her rights and powers as a limited partner, he or she participates in the control of the business. However, if the limited partner participates in the control of the business, he or she is liable only to persons who transact business with the limited partnership reasonably believing, based upon the limited partner's participation in such control, that the limited partner is a general partner.

(b) A limited partner does not participate in the control of the business within the meaning of subsection (a) solely by doing one or more of the following:

(1) Being a contractor for or an agent, attorney-at-law, or employee of the limited partnership or of a general partner or being an officer, director, or shareholder of a general partner that is a corporation;

(2) Consulting with and advising a general partner with respect to the business of the limited partnership or examining into the state or progress of the partnership business;

(3) Acting as surety for the limited partnership or guaranteeing or assuming one or more specific obligations of the limited partnership;

(4) Taking any action required or permitted by law to bring or pursue a derivative action in the right of the limited partnership;

(5) Requesting or attending a meeting of partners;

(6) Proposing, approving, or disapproving, by voting or otherwise, one or more of the following matters:

(i) The dissolution and winding up of the limited partnership;

(ii) The sale, exchange, lease, mortgage, pledge, or other transfer of all or substantially all of the assets of the limited partnership;

(iii) The incurrence of indebtedness by the limited partnership other than in the ordinary course of its business;

(iv) A change in the nature of the business;

(v) The admission or removal of a general partner;

(vi) The admission or removal of a limited partner;

(vii) A transaction involving an actual or potential conflict of interest between a general partner and the limited partnership or the limited partners;

(viii) An amendment to the partnership agreement or certificate of limited partnership; or

(ix) Matters related to the business of the limited partnership not otherwise enumerated in this subsection (b), which the partnership agreement states in writing may be subject to the approval or disapproval of limited partners;

(7) Winding up the limited partnership pursuant to Section 10-9B-803; or

(8) Exercising any right or power permitted to limited partners under this chapter and not specifically enumerated in this subsection (b).

(c) The enumeration in subsection (b) does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him or her in the business of the limited partnership.

(d) A limited partner who knowingly permits his or her name to be used in the name of the limited partnership, except under circumstances permitted by Section 10-9B-102(2), is liable to creditors who, in reasonable reliance upon the credit of such limited partner, extend credit to the limited partnership without knowledge that the limited partner is not a general partner, but if the name of the limited partnership signifies that it is a family limited partnership, there shall be a rebuttable presumption that credit extended to the partnership was not in reliance on the credit of a limited partner whose name is contained in the name of the limited partnership even if the use of such limited partner's name is not under circumstances specifically permitted by Section 10-9B-102(2).

Section 10-9B-304. Person erroneously believing himself or herself a limited partner.

(a) Except as provided in subsection (c), a person who makes a contribution to a business enterprise and erroneously but in good faith believes that he or she has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contribution, receiving distributions from the enterprise, or exercising any rights of a limited partner, if, on ascertaining the mistake, he or she:

(1) Causes an appropriate certificate of limited partnership or a certificate of amendment to be executed and filed; or

(2) Withdraws from future equity participation in the enterprise by executing and filing a certificate of withdrawal evidencing such withdrawal from future equity participation.

(b) A certificate of withdrawal evidencing withdrawal from future equity participation shall be signed by the person erroneously believing himself or herself a limited partner and shall be filed in the office of the judge of probate where the certificate of limited partnership of the enterprise has been filed, or if none has been filed, such certificate of withdrawal shall be filed in the office of the judge of probate of the county where the principal place of business of the enterprise is located, or if there is no known principal place of business, then in the office of the judge of probate of the county of domicile of such person. By withdrawing from future equity participation a person shall be

deemed to withdraw from all participation in the future profits of the enterprise and from any future appreciation in the value of its assets, but shall not be deemed to withdraw from any previously accrued profits, whether distributed or undistributed, or from any appreciation in the assets of the enterprise (whether realized or unrealized) up to the date of such withdrawal, except as may be otherwise provided by agreement among the person withdrawing and other parties to the enterprise and except as may be otherwise stated in the certificate of withdrawal. For purposes of Section 10-9B-604, a person withdrawing from future equity participation shall be deemed a withdrawing partner.

(c) A person who makes a contribution of the kind described in subsection (a) is liable as a general partner to any third party who transacts business with the enterprise (i) before the person withdraws and an appropriate certificate is filed to show withdrawal, or (ii) before an appropriate certificate is filed to show that he or she is not a general partner, but in either case only if the third party actually believed in good faith that the person was a general partner at the time of the transaction, and extended credit to the business enterprise in reasonable reliance on the credit of such person.

Section 10-9B-305. Information. Each limited partner has the right to:

(1) Inspect and copy any of the partnership records as provided in Section 10-9B-105; and

(2) Obtain from the general partners from time to time upon reasonable demand (i) the most recent financial statement of the partnership, (ii) promptly after becoming available, a copy of the limited partnership's federal, state, and local income tax returns for each year, and (iii) other information regarding the affairs of the limited partnership as is just and reasonable.

ARTICLE 4

GENERAL PARTNERS

Section 10-9B-401. Admission of additional general partners. After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted as provided in writing in the partnership agreement or, if the partnership agreement does not provide in writing for the admission of additional general partners, with the written consent or ratification of all partners.

Section 10-9B-402. Events of withdrawal. Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

(1) The general partner withdraws from the limited partnership as provided in Section 10-9B-602;

(2) The general partner ceases to be a member of the limited partnership as provided in Section 10-9B-702;

(3) The general partner is removed as a general partner in accordance with the partnership agreement;

(4) Unless otherwise provided in writing in the partnership agreement, the general partner: (i) makes an assignment for the benefit of creditors; (ii) files a voluntary petition in bankruptcy; (iii) is adjudicated a bankrupt or insolvent; (iv) files a petition or answer seeking for himself or herself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation; (v) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him or her in any proceeding of this nature; or (vi) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his or her properties;

(5) Unless otherwise provided in writing in the partnership agreement, 120 days after the commencement of any proceeding against the general partner to attach or charge his or her partnership interest or seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within 90 days after a court order attaching or charging his or her partnership interest or the appointment without his or her consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his or her properties, the order or appointment is not vacated or stayed or within 90 days after the expiration of any such stay, the appointment is not vacated;

(6) In the case of a general partner who is a natural person,

(i) His or her death; or

(ii) The entry of an order by a court of competent jurisdiction adjudicating him or her incompetent to manage his or her person or his or her estate;

(7) In the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of a new trustee);

(8) In the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

(9) In the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

(10) In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

Section 10-9B-403. General powers and liabilities.

(a) Except as provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the rights and powers and is subject to the restrictions of a partner in a partnership without limited partners.

(b) Except as provided in this chapter, a general partner of a limited partnership has the liabilities of a partner in a partnership without limited partners to persons other than the partnership and the other partners. Except as provided in this chapter or in the partnership agreement, a general partner of a limited partnership has the liabilities of a partner to a partnership without limited partners to the partnership and to the other partners.

Section 10-9B-404. Contributions by general partner. A general partner of a limited partnership may make contributions to the partnership and share in the profits and losses of, and in distributions from, the limited partnership as a general partner. A general partner also may make contributions to and share in profits, losses, and distributions as a limited partner. A person who is both a general partner and a limited partner has the rights and powers, and is subject to the restrictions and liabilities, of a general partner and, except as provided in the partnership agreement, also has the powers, and is subject to the restrictions, of a limited partner to the extent of his or her participation in the partnership as a limited partner.

Section 10-9B-405. Voting. The partnership agreement may grant to all or certain identified general partners the right to vote (on a per capita or any other basis), separately or with all or any class of the limited partners, on any matter, and may make any appropriate provision for the exercise of such voting rights.

ARTICLE 5

FINANCE

Section 10-9B-501. Form of contribution. The contribution of a partner may be in cash, property, or services rendered, or a promissory note or other binding obligation to pay cash, to convey property, or to render services which a partner contributes as capital to a limited partnership in his or her capacity as partner.

Section 10-9B-502. Liability for contribution.

(a) A promise by a limited partner to contribute to the limited partnership is not enforceable unless set out in a writing signed by the limited partner.

(b) Except as provided in the partnership agreement, a partner is obligated to the limited partnership to perform any enforceable promise to pay cash, to convey property, or render services, even if he or she is unable to perform because of death, disability, or any other reason. If a partner does not perform such promise, he or she is obligated at the option of the limited partnership to contribute cash equal to that portion of the value of the promised contribution that has not been paid, conveyed, or rendered.

(c) The partnership agreement may provide that the interest of any partner who fails to make any contribution that he or she is obligated to make, or who fails to pay any agreed assessment that he or she is obligated to make, or who fails to pay any agreed assessment that he or she is obligated to make, shall be subject to a reasonable penalty for such failure. Such penalty may take the form of reducing the defaulting partner's proportionate interest in the partnership, subordinating his or her interest to that of nondefaulting partners, a forced sale of his or her partnership interest in compliance with reasonable procedures for notice and disposition, forfeiture of his or her partnership interest on compliance with reasonable procedures for notice, the lending of the amount necessary to meet his or her commitment by other partners, a fixing of the value of his or her interest by appraisal or by suitable formula and redemption or sale of his or her interest at such value, or other reasonable penalty.

(d) Unless otherwise provided in the partnership agreement, the obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit or otherwise acts in reliance on that obligation after the partner signs a writing which reflects the obligation and before the amendment or cancellation thereof to reflect the compromise may enforce the original obligation.

Section 10-9B-503. Sharing of profits and losses. The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in writing in the partnership agreement. In the case of a partnership formed under this chapter, if the partnership agreement does not so provide in writing, profits and losses shall be allocated on the basis of the value, as stated in the partnership records required to be kept pursuant to Section 10-9B-105, of the contributions made by each partner to the extent they have been paid, conveyed, or rendered to the partnership and have not been returned.

Section 10-9B-504. Sharing of distributions. Distributions of cash or other assets of a limited partnership shall be allocated

among the partners and among classes of partners in the manner provided in writing in the partnership agreement. If the partnership agreement does not so provide in writing, distributions shall be made on the basis of the value, as stated in the partnership records required to be kept pursuant to Section 10-9B-105, of the contributions made by each partner to the extent they have been paid, conveyed, or rendered to the partnership and have not been returned.

ARTICLE 6

DISTRIBUTIONS AND WITHDRAWAL

Section 10-9B-601. Interim distributions. Except as provided in this article, a partner is entitled to receive distributions from a limited partnership before his or her withdrawal from the limited partnership and before the dissolution and winding up thereof to the extent and at the times or upon the happening of the events specified in the partnership agreement.

Section 10-9B-602. Withdrawal of general partner.

(a) A general partner may withdraw from a limited partnership at any time by giving written notice to the other partners, but if the withdrawal violates the partnership agreement, the limited partnership may recover from the withdrawing general partner damages for breach of the partnership agreement and offset the damages against the amounts otherwise distributable or payable to him or her.

(b) The withdrawal of a general partner from a limited partnership does not release him or her from liability under Section 10-9B-502 or from any liability under Section 10-9B-207.

Section 10-9B-603. Withdrawal of limited partner.

(a) In the case of limited partnerships formed on or after October 1, 1998, a limited partner may only withdraw from the limited partnership at the time or upon the happening of events specified in the partnership agreement.

(b) In the case of limited partnerships organized prior to October 1, 1998, the certificate of limited partnership of which specifies the time or the happening of events upon which a limited partner may withdraw, a limited partner may only withdraw from the limited partnership at the time or upon the happening of events specified in the partnership certificate; provided, however, if the partnership certificate is amended on or after October 1, 1998, and if the amended certificate of limited partnership does not provide the time or happening of events upon which a limited partner may withdraw from the limited partnership, a limited partner may thereafter

only withdraw from the limited partnership at the time or upon the happening of events specified in the partnership agreement.

(c) In the case of limited partnerships organized prior to October 1, 1998, the certificate of limited partnership of which did not specify the time or the events upon the happening of which a limited partner could withdraw, a limited partner may withdraw upon not less than six months prior written notice to each general partner at his or her address on the books of the limited partnership at its office in this state; provided, however, that in the event the certificate of limited partnership is amended on or after October 1, 1998, to provide the time or happening of events upon which a limited partner may withdraw from a limited partnership, a limited partner shall thereafter be able to withdraw only at such time or upon the happening of events specified in the certificate of limited partnership; provided further, if the partnership certificate is amended on or after October 1, 1998, and if the amended certificate of limited partnership does not provide the time or happening of events upon which a limited partner may withdraw from the limited partnership, a limited partner may thereafter only withdraw from the limited partnership at the time or upon the happening of events specified in the partnership agreement.

(d) The withdrawal of a limited partner from a limited partnership does not release him or her from his or her liability to the partnership under Section 10-9B-502.

Section 10-9B-604. Distribution upon withdrawal. Except as provided in this article, upon withdrawal any withdrawing partner is entitled to receive any distribution to which he or she is entitled under the partnership agreement and, if not otherwise provided in the agreement, he or she is entitled to receive, within a reasonable time after withdrawal, the fair value of his or her interest in the limited partnership as of the date of withdrawal based upon his or her right to share in distributions from the limited partnership.

Section 10-9B-605. Distribution in kind. Except as provided in writing in the partnership agreement, a partner, regardless of the nature of his or her contribution, has no right to demand and receive any distribution from a limited partnership in any form other than cash. Except as provided in writing in the partnership agreement, a partner may not be compelled to accept a distribution of any asset in kind from a limited partnership to the extent that the percentage of the asset distributed to him or her exceeds a percentage of that asset which is equal to the percentage in which he or she shares in distributions from the limited partnership.

Section 10-9B-606. Right to distribution. At the time a partner becomes entitled to receive a distribution, he or she has

the status of, and is entitled to all remedies available to, a creditor of the limited partnership with respect to the distribution.

Section 10-9B-607. Limitations on distribution.

(a) A partner may not receive a distribution from a limited partnership to the extent that, after giving effect to the distribution, all liabilities of the limited partnership, other than liabilities to partners on account of their partnership interests, exceed the fair value of the partnership assets.

(b) A limited partner who receives a distribution in violation of subsection (a) of this section, and who had knowledge at the time of the distribution that the distribution violated subsection (a) of this section, shall be liable to the limited partnership for the amount of the distribution. A limited partner who receives a distribution in violation of subsection (a) of this section, and who did not have knowledge at the time of the distribution that the distribution violated subsection (a) of this section, shall not be liable for the amount of the distribution. Subject to subsection (c) of this section, this subsection shall not affect any obligation or liability of a limited partner under a partnership agreement or other applicable law for the amount of a distribution.

(c) Unless otherwise agreed in writing, a limited partner who receives a distribution from a limited partnership shall have no liability under this chapter or other applicable law for the amount of the distribution after the expiration of three years from the date of the distribution.

ARTICLE 7

ASSIGNMENT OF PARTNERSHIP INTERESTS

Section 10-9B-701. Nature of partnership interest. A partnership interest is personal property.

Section 10-9B-702. Assignment of partnership interest.

(a) Except as provided in the partnership agreement:

(i) A partnership interest is assignable in whole or in part;

(ii) An assignment of a partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner;

(iii) An assignment entitles the assignee to share in such capital and profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(iv) A partner ceases to be a partner upon assignment of all his or her partnership interest.

(b) The assignment of a limited partnership interest does not release the assignor from his or her liability to the limited partnership under Section 10-9B-502 or (in the case of an assignor who is a general partner) from any liability under Section 10-9B-207.

(c) The partnership agreement may provide that a partner's interest in a partnership may be evidenced by a certificate of partnership interest issued by the partnership and may also provide for the assignment or transfer of any partnership interest represented by the certificate and make other reasonable provisions with respect to such certificates.

Section 10-9B-703. Rights of creditor. On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest. This chapter does not deprive any partner of the benefit of any exemption laws applicable to his or her partnership interest.

Section 10-9B-704. Right of assignee to become limited partner.

(a) An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that (i) the assignor gives the assignee that right in accordance with authority described in the partnership agreement, or (ii) all other partners consent.

(b) An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this chapter. An assignee who becomes a limited partner also is liable for the obligations of his or her assignor with respect to contributions as provided in Article 5 and distributions as provided in Article 6. However, the assignee is not obligated for liabilities of which the assignee had no knowledge at the time he or she became a limited partner.

(c) If an assignee of a partnership interest becomes a limited partner, the assignor is not released from his or her liability to the limited partnership under Section 10-9B-502 or (in the case of an assignor who is a general partner) any liability under Section 10-9B-207.

Section 10-9B-705. Powers of successors in interest. If a partner who is an individual dies or a court of competent jurisdiction adjudges him or her to be incompetent to manage his or her

person or his or her property, the partner's personal representative, guardian, conservator, or other legal representative may exercise all the partner's rights for the purpose of settling his or her estate or administering his or her property, including any power the partner had to give an assignee the right to become a limited partner. Subject to Section 10-9B-402 and except as otherwise provided in the partnership agreement, if a partner is a corporation, trust, partnership, custodianship, or other entity and is dissolved or terminated, the powers of that partner may be exercised by its legal representative or successor of such partner.

ARTICLE 8

DISSOLUTION

Section 10-9B-801. Nonjudicial dissolution. A limited partnership is dissolved and its affairs shall be wound up upon the happening of the first to occur of the following:

- (1) At the time (if any) specified in the certificate of limited partnership;
- (2) Upon the happening of events specified in writing in the partnership agreement;
- (3) Written consent of all partners;
- (4) An event of withdrawal of a general partner unless (a) at the time there is at least one other general partner and the written provisions of the partnership agreement permit the business of the limited partnership to be carried on by the remaining general partner and that partner does so, or (b) within 90 days after the withdrawal, all partners agree in writing to continue the business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired, which agreement shall be effective as of the date of such event of withdrawal; or
- (5) Entry of a decree of judicial dissolution under Section 10-9B-802.

Section 10-9B-7302. Judicial dissolution. On application by or for a partner the circuit court for the county in which the certificate of limited partnership is filed may decree dissolution of a limited partnership whenever a general partner willfully or persistently commits a material breach of the partnership agreement or of this chapter, or whenever it is not reasonably practicable to carry on the business in conformity with the partnership agreement.

Section 10-9B-803. Winding up. Except as provided in the partnership agreement, the general partners who have not wrongfully dissolved a limited partnership or, if none, the limited partners, may

wind up the limited partnership's affairs; but the circuit court for the county in which the certificate of limited partnership is filed may, upon cause shown, wind up the limited partnership's affairs upon application of any partner, his or her legal representative, or assignee.

Section 10-9B-804. Distribution of assets. Upon the winding up of a limited partnership formed under this chapter, the assets shall be distributed in the following order of priority:

(1) To creditors (including partners who are creditors, to the extent permitted by Section 10-9B-107 or otherwise permitted by law), in satisfaction of liabilities of the limited partnership other than liabilities, even though enforceable by a partner as a creditor, under Section 10-9B-606 for distributions to partners under Section 10-9B-601 or Section 10-9B-604;

(2) Except as provided in the partnership agreement, to partners and former partners in satisfaction of liabilities for distributions under Section 10-9B-601 or Section 10-9B-604; and

(3) Except as provided in the partnership agreement, to partners first to the extent of the credit balances of their respective capital accounts, and secondly respecting their partnership interests, in the proportions in which the partners share in distributions.

Section 10-9B-805. Settling of accounts; applicability of section.

(a) In settling accounts after dissolution, the liabilities of the partnership shall be entitled to payment in the following order:

(1) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions and to general partners;

(2) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions;

(3) Those to limited partners in respect to the capital of their contributions;

(4) Those to general partners other than for capital and profits;

(5) Those to general partners in respect to profits; and

(6) Those to general partners in respect to capital.

(b) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital and in respect to their claims for profits or for compensation by way of income on their contributions, respectively, in proportion to the respective amounts of such claims.

(c) This section shall not apply to limited partnerships formed under the laws of this state on or after January 1, 1984, but shall apply only (i) to limited partnerships formed under the laws of this state on or after January 1, 1972, and prior to January 1, 1984, and (ii) to limited partnerships formed under the laws of this state prior to January 1, 1972, which elected to come within the limited partnership provisions which became effective January 1, 1972, or which renewed their existence, except as such renewal was provided in the original agreement, on or after January 1, 1972, and prior to January 1, 1984.

ARTICLE 9

FOREIGN LIMITED PARTNERSHIPS

Section 10-9B-901. Law governing. Subject to the constitution of this state, (1) the laws of the state under which a foreign limited partnership is organized govern its organization and internal affairs and the liability of its limited partners, and (2) a foreign limited partnership may not be denied registration by reason of any difference between those laws and the laws of this state, provided however, that no limited partnership shall be allowed to carry on in this state any business of a character that may not lawfully be carried on by a limited partnership organized under the laws of this state.

Section 10-9B-902. Registration.

(1) Before transacting business in this state, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall:

(a) Submit to the Secretary of State, in duplicate, on forms furnished by the Secretary of State, an application for registration as a foreign limited partnership, signed by a general partner and setting forth:

(i) The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this state;

(ii) The state and date of its formation and the identity and address of the public office in said state where its certificate of limited partnership (or equivalent document) and all amendments thereto are on file;

(iii) An address of an agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint; the agent must be an individual resident of this state, a domestic business entity, or a foreign business entity having a place of business in, and authorized to do business in, this state;

(iv) A statement that the foreign limited partnership consents to service of process on it by registered mail addressed to the foreign limited partnership at the office required to be maintained in the state of its organization by the laws of that state or, if not so required, at the principal office of such partnership, if the agent so appointed under paragraph (iii) cannot be found and served with the exercise of reasonable diligence;

(v) The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;

(vi) The name and business address of each general partner; and

(vii) The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn.

(b) Pay a fee in the amount of seventy-five dollars (\$75) for filing the certificate of limited partnership, processing the application for registration as a foreign limited partnership and issuing the certificate of registration to transact business in this state.

(2) The execution by a general partner of an application for registration as a foreign limited partnership, or the execution of a certificate of change or amendment to such an application under Section 10-9B-905 hereof, constitutes an affirmation that the facts therein are true in all material respects under penalties for perjury in the third degree (false swearing) prescribed by Section 13A-10-103 or its successor.

(3) A limited partnership shall not be deemed to be transacting business in this state for the purposes of this section solely by reason of offers or sales of interests in such partnership in this state.

Section 10-9B-903. Issuance of registration.

(a) If the Secretary of State finds that an application for registration conforms to law and all requisite fees have been paid, he or she shall:

(1) Endorse on the application the word "Filed," and the month, day, and year of the filing thereof;

(2) File in his or her office a duplicate original of the application; and

(3) Issue a certificate of registration to transact business in this state, effective as of the date such application was filed with the Office of the Secretary of State.

(b) The certificate of registration, together with a duplicate original of the application, shall be returned to the person who filed the application or his or her representative.

(c) Upon the issuance of a certificate of registration by the Secretary of State, the foreign limited partnership shall be authorized to transact any business in this state which may be done lawfully in this state by a limited partnership organized under the laws of this state, to the extent that it is authorized to do such business in the state, territory, or country where it was created; and such authorization shall relate back to and be deemed effective as of the date such application was filed with the Office of the Secretary of State.

Section 10-9B-904. Name. A foreign limited partnership may register with the Secretary of State under any name (whether or not it is the name under which it is registered in its state of organization), providing such name shall contain the word "Limited" or the abbreviation "Ltd." or "L.P." or "LP" and is a name that could be adopted by a domestic limited partnership.

Section 10-9B-905. Changes and amendments. If any statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any material respect, the foreign limited partnership shall promptly file in the Office of the Secretary of State a certificate, signed by a general partner, correcting such statement. The Secretary of State shall charge and collect a fee of ten dollars (\$10) for filing and processing the certificate correcting such statement.

Section 10-9B-906. Cancellation of registration. A foreign limited partnership may cancel its registration by filing with the Secretary of State a certificate of cancellation signed to by a general partner. A cancellation does not terminate the consent to service of process on the foreign limited partnership as provided in Section 10-9B-902(1)(a)(v) with respect to causes of action arising out of the transaction of business in this state.

Section 10-9B-907. Transaction of business without registration.

(a) A foreign limited partnership transacting business in this state may not maintain any action, suit, or proceeding in any court of this state until it has registered in this state.

(b) The failure of a foreign limited partnership to register in this state does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any action, suit, or proceeding in any court of this state.

(c) A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of having transacted business in this state without registration.

(d) A foreign limited partnership, by transacting business in this state without registration, shall be deemed to consent to the service of process on the foreign limited partnership by registered mail addressed to the foreign limited partnership at the office required to be maintained in the state of its organization by the laws of that state or, if not so required, at the principal office of such partnership, with respect to causes of action arising out of the transaction of business in this state.

Section 10-9B-908. Action by Attorney General. The Attorney General may bring an action to restrain a foreign limited partnership from transacting business in this state in violation of this article.

ARTICLE 10

DERIVATIVE ACTIONS

Section 10-9B-1001. Right of action. A limited partner may bring an action in the right of a limited partnership to recover a judgment in its favor if general partners with authority to do so have refused to bring the action or if an effort to cause those general partners to bring the action is not likely to succeed.

Section 10-9B-1002. Proper plaintiff. In a derivative action, the plaintiff must be a partner at the time of bringing the action or have succeeded to the right of a partner under Section 10-9B-705 and (1) at the time of the transaction of which he or she complains, or (2) his or her status as a partner (or successor) exercising the rights and powers of a partner under Section 10-9B-705, have devolved upon him or her by operation of law or pursuant to the terms of the partnership agreement from a person who was a partner at the time of the transaction.

Section 10-9B-1003. Pleading. In a derivative action, the complaint shall set forth with particularity the effort of the plaintiff to secure initiation of the action by a general partner or the reasons for not making the effort.

Section 10-9B-1004. Expenses. If a derivative action is successful, in whole or in part, or if anything is received by the plaintiff as a result of a judgment, compromise, or settlement of an action or claim, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees, and shall direct him or her to remit to the limited partnership the remainder of those proceeds received by him or her.

ARTICLE 10A
CONVERSIONS AND MERGERS

Section 10-9B-1001A. Definitions. In this article, unless the context clearly indicates otherwise, the following terms have the following definitions:

(1) **BUSINESS ENTITY.** Any business entity within the definition of Section 10-9B-101(1) of this chapter.

(2) **CORPORATION.** A corporation created under the Alabama Business Corporation Act, predecessor law, or comparable law of another jurisdiction.

(3) **EQUITY OWNER.** Any person having an ownership interest in a business entity.

(4) **FOREIGN LIMITED PARTNERSHIP.** The meaning given in Section 10-9b-101(5) of this chapter.

(5) **GENERAL PARTNER.** A general partner in a limited partnership as defined in Section 10-9B-101(7) of this chapter, predecessor law, or comparable law of another jurisdiction, or a partner in a general partnership or in a registered limited liability partnership under the Alabama Uniform Partnership Act, predecessor law, or comparable law of another jurisdiction.

(6) **GENERAL PARTNERSHIP.** An association of two or more persons to carry on as co-owners a business for profit formed under the Alabama Uniform Partnership Act, predecessor law, or comparable law of another jurisdiction, and includes a registered limited liability partnership.

(7) **LIMITED LIABILITY COMPANY.** A limited liability company created under the Alabama Limited Liability Company Act, predecessor law, or comparable law of another jurisdiction.

(8) **LIMITED PARTNER.** A limited partner in a limited partnership under Section 10-9b-101(8) of this chapter, predecessor Alabama law, or comparable law of another jurisdiction.

(9) **LIMITED PARTNERSHIP or DOMESTIC LIMITED PARTNERSHIP.** The meaning given in Section 10-9b-101(9) of this chapter.

(10) **MEMBER.** A person reflected in the required records of a limited liability company as the owner of some governance rights of a membership interest in the limited liability company.

(11) **PARTNER.** Includes both a general partner and a limited partner.

(12) **SHAREHOLDER.** The person in whose name the units into which proprietary interests in a corporation are divided, are

registered in the records of the corporation, or the beneficiary owner of such units to the extent of the rights granted by a nominee certificate on file with a corporation.

Section 10-9B-1002A. Conversion of limited partnership to general partnership, corporation or limited liability company, or foreign limited partnership.

(a) A limited partnership may be converted to a general partnership, corporation or limited liability company, or a foreign limited partnership pursuant to this section.

(b) The terms and conditions of a conversion of a limited partnership to a general partnership, corporation, limited liability company, or foreign limited partnership must be approved by all of the partners or as otherwise provided in the partnership agreement.

(c) After the conversion is approved by the partners:

(1) Articles (or certificate) of incorporation, articles of organization, certificate of limited partnership, or any corresponding constituent instrument shall be filed in the jurisdiction in which the corporation, limited liability company, or foreign limited partnership is to be formed. Any such articles or certificate must include:

(i) A statement that the business entity was converted from a limited partnership;

(ii) Its former name; and

(iii) A statement that the conversion was approved by all of the partners or a statement of the requirements of the partnership agreement for a conversion and a statement of compliance with those requirements; and

(2) A certificate of cancellation of the limited partnership's certificate of limited partnership shall be filed pursuant to Section 10-9B-203 hereof. The certificate of cancellation must include:

(i) A statement that the limited partnership was converted to a general partnership, corporation, limited liability company, or foreign limited partnership, as the case may be; and

(ii) The name of the limited partnership.

(d) The conversion takes effect upon the later of:

(1) The filing of the articles (or certificate) of incorporation, articles of organization, certificate of limited partnership, or any corresponding constituent instrument, if any, required for the form of business entity into which the limited partnership is to be converted;

(2) The filing of the certificate of cancellation of the limited partnership; or

(3) At any later date specified in the certificate of cancellation of the limited partnership.

(e) A general partner who becomes a shareholder, member, or limited partner of a foreign limited partnership as a result of the conversion remains liable as a general partner for an obligation incurred by the limited partnership before the conversion takes effect. If another party to a transaction with a corporation, limited liability company, or foreign limited partnership reasonably believes when entering the transaction that the shareholder, member, or limited partner of such foreign limited partnership is a general partner, the shareholder, member, or limited partner of such foreign limited partnership is liable for an obligation for which such general partner would be personally liable under Section 10-9B-403, incurred by the corporation, limited liability company, or foreign limited partnership within 90 days after the conversion takes effect. The shareholder's, member's, or limited partner's liability for all other obligations of the corporation, limited liability company, or foreign limited partnership incurred after the conversion takes effect is that of a shareholder, member, or limited partner as provided in the jurisdiction in which the corporation, limited liability company, or foreign limited partnership is formed.

Section 10-9B-1003A. Conversion of general partnership, corporation, limited liability company, or foreign limited partnership to limited partnership.

(a) A general partnership, corporation, limited liability company, or foreign limited partnership may be converted to a domestic limited partnership pursuant to this section.

(b) Notwithstanding a provision to the contrary in a general partnership agreement, articles (or certificate) of incorporation, by-laws, articles of organization, operating agreement, limited partnership certificate or agreement, regulations or other agreements, the terms and conditions of a conversion of a general partnership, corporation, limited liability company, or foreign limited partnership to a limited partnership must be approved by all of the partners, shareholders, or members.

(c) After the conversion is approved by the partners, shareholders, or members:

(1) A corporation, limited liability company, or foreign limited partnership converting to a domestic limited partnership shall file articles of dissolution in the case of a corporation or limited liability company or cancel its certificate of in the case of a foreign limited partnership. The articles of dissolution or cancellation of certificate of limited partnership must include:

(i) A statement that the corporation, limited liability company, or foreign limited partnership was converted to a limited partnership; and

(ii) The name of the limited partnership, and where its certificate of limited partnership is being filed.

(2) The limited partnership shall file a certificate of limited partnership complying with Section 10-9B-201.

(d) The conversion takes effect on the later of:

(1) When any such articles of dissolution or certificate of cancellation are filed in the case of a corporation, limited liability company, or foreign limited partnership pursuant to subsection (c)(1) above;

(2) When such certificate of limited partnership is filed pursuant to subsection (c)(2) above; or

(3) At such later date as may be set forth in such certificate of limited partnership.

(e) A shareholder, member, or limited partner of a foreign limited partnership who becomes a general partner as a result of the conversion remains liable only as a shareholder, member, or limited partner for an obligation incurred by the corporation, limited liability company, or foreign limited partnership before the conversion takes effect. A shareholder, member, or limited partner of a foreign limited partnership who becomes a general partner as a result of the conversion is liable as a general partner for an obligation of the limited partnership incurred after the conversion takes effect.

Section 10-9B-1004A. Effect of conversion; entity unchanged.

(a) A limited partnership, general partnership, corporation, limited liability company, or foreign limited partnership that has been converted pursuant to this article is for all purposes the same entity that existed before the conversion.

(b) When a conversion takes effect:

(1) All property owned by the converting limited partnership, general partnership, corporation, limited liability company, or foreign limited partnership remains vested in the converted entity;

(2) All obligations of the converting limited partnership, general partnership, corporation, limited liability company, or foreign limited partnership continue as obligations of the converted entity; and

(3) An action or proceeding pending by or against the converting limited partnership, general partnership, corporation, limited liability company, or foreign limited partnership may be continued as if the conversion had not occurred.

Section 10-9B-1005A. Merger of limited partnerships and business entities.

(a) Pursuant to a plan of merger approved as provided in subsection (c), a limited partnership may be merged with one or more business entities (including another domestic limited partnership or a foreign limited partnership).

(b) The plan of merger must set forth:

(1) The name of each business entity that is a party to the merger;

(2) The name of the surviving entity into which the other business entities will merge;

(3) The type of business entity of the surviving business entity and the status in the surviving business entity of each equity owner of a business entity that is a party to the merger;

(4) The terms and conditions of the merger;

(5) The manner and basis of converting the interests of each party to the merger into interests or obligations of the surviving business entity, or into money or other property in whole or part; and

(6) The street address of the surviving business entity's principal place of business.

(c) The plan of merger must be approved:

(1) In the case of a domestic limited partnership that is a party to the merger:

(i) By all general partners; and

(ii) By all limited partners owning such percentage or other interest in the profits of the partnership as provided in the partnership agreement, which may also prescribe voting by classes or groups, but in any event by limited partners who own more than 50 percent of the current percentage or other interests in the profits of the limited partnership owned by all the limited partners;

(2) In the case of a general partnership that is a party to the merger, by all of the partners or as otherwise provided in the partnership agreement;

(3) In the case of a business entity other than a limited or general partnership that is a party to the merger when the surviving business entity is a limited or general partnership, by the vote required for approval of a merger by the law of the state or foreign jurisdiction in which the business entity (including any foreign

limited partnership) is organized and, in the absence of such a specifically applicable law, by all of the equity owners who are to become general partners, notwithstanding a provision to the contrary in the organizational documents of the business entity; and

(4) In the case of a business entity other than a limited or general partnership that is a party to the merger when the surviving business entity is not a limited or general partnership, by the vote required for approval of a merger by the law of the state or foreign jurisdiction in which the business entity (including a foreign limited partnership) is organized and, in the absence of such a specifically applicable law, in accordance with the organization documents of the business entity.

(d) After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan.

(e) The merger takes effect on the later of:

(1) The approval of the plan of merger by all parties to the merger, as provided in subsection (c);

(2) The filing of all documents required by law to be filed as a condition to the effectiveness of the merger; or

(3) Any effective date specified in the plan of merger.

Section 10-9B-1006A. Requirements for certificate of merger; certificate of merger serving as certificate of cancellation.

(a) If a domestic limited partnership is merging under this article, the limited partnership or other business entity (including a foreign limited partnership) surviving or resulting in or from the merger shall file a certificate of merger in the Office of the Secretary of State. If a domestic limited partnership is filing said certificate of merger, the certificate of merger must be signed by at least one general partner of the limited partnership, or if the certificate of merger is being filed by another business entity (including a foreign limited partnership), the certificate of merger must be signed by a person authorized by such other business entity. The certificate of merger shall state:

(1) The name, jurisdiction, and date of formation or organization of each of the limited partnerships or other business entities which are to merge;

(2) That an agreement of merger has been approved and executed by each of the limited partnerships or other business entities which are to merge;

(3) The name of the surviving or resulting limited partnership or other business entity;

(4) The future effective date or time (which shall be a date or time certain) of the merger if it is not to be effective upon the filing of the certificate of merger;

(5) That the agreement of merger is on file at a place of business of the surviving or resulting limited partnership or other business entity, and shall state the address thereof; and

(6) That a copy of the agreement of merger will be furnished by the surviving or resulting limited partnership or other business entity, on request and without cost, to any partner of any limited partnership or any person holding an interest in any other business entity which is to merge.

(b) A certificate of merger shall act as a certificate of cancellation for a domestic limited partnership which is not the surviving or resulting entity in the merger.

(c) Each certificate of merger required by this article to be filed with the Secretary of State shall also be recorded in the office of the judge of probate in the county in which the certificate of limited partnership of each domestic limited partnership that is a party to such merger is filed; provided, however, that when such certificate is filed by the Secretary of State, the matters covered by such certificate shall be effective as stated therein, and a copy of such certificate certified by the Secretary of State shall be conclusive evidence of the matters covered therein. The judge of probate may charge five dollars (\$5) plus fifty cents (\$.50) per page in excess of five pages for such filing.

Section 10-9B-1007A. Effect of merger.

(a) When a merger takes effect:

(1) The separate existence of every business entity that is a party to the merger, other than the surviving business entity, ceases;

(2) All property owned by each of the merged business entities vests in the surviving business entity;

(3) All obligations of every business entity that is a party to the merger become the obligations of the surviving business entity; and

(4) An action or proceeding pending by or against a business entity that is a party to the merger may be continued as if the merger had not occurred, or the surviving business entity may be substituted as a party to the action or proceeding.

(b) The Secretary of State of this state is the agent for service of process in an action or proceeding against a surviving foreign

business entity to enforce an obligation of a domestic business entity that is a party to a merger. The surviving entity shall promptly notify the Secretary of State of the mailing address of its chief executive office and any change of address. Upon receipt of process, the Secretary of State shall mail a copy of the process to the surviving foreign business entity.

(c) An equity owner of the surviving business entity is liable for:

(1) All obligations of a party to the merger for which such person was personally liable before the merger;

(2) All other obligations of the surviving business entity, if the surviving business entity is a general partnership or limited partnership, incurred before the merger by a party to the merger, but those obligations may be satisfied only out of property of the surviving business entity; and

(3) All obligations of the surviving business entity incurred after the merger takes effect if the surviving business entity is a general partnership or limited partnership and the equity owner is a general partner.

(d) If the obligations incurred before the merger by a party to the merger that is a general partnership or limited partnership to the merger are not satisfied out of the property of the surviving business entity, the general partners of a general partnership or limited partnership that is a party to the merger immediately before the effective date of the merger shall contribute to the surviving business entity the amount necessary to satisfy that party's obligations in the manner provided in the general or limited partnership act of the jurisdiction in which the general or limited partnership was formed, as the case may be, as if the merged partnership were dissolved.

(e) A partner of a limited partnership that is a party to a merger who does not become an equity owner of the surviving business entity is deemed withdrawn from the limited partnership, of which that partner was a partner, as of the date the merger takes effect. The surviving business entity shall cause the partner's interest in the partnership to be purchased under Section 10-9B-604 or another statute specifically applicable to that partner's interest in connection with the merger. The surviving business entity is bound under Section 10-8A-702 by an act of a general partner deemed withdrawn under this subsection, and the partner is liable under Section 10-8A-703 for transactions entered into by the surviving business entity after the merger takes effect.

Section 10-9B-1008A. Nonexclusive.

This article is not exclusive. Limited partnerships, general partnerships, corporations, and limited liability companies may be

converted and business entities may be merged in any other manner provided by law.

ARTICLE 11

MISCELLANEOUS

Section 10-9B-1101. Construction and application.

(a) This chapter shall be so applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

(b) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this chapter.

Section 10-9B-1102. Short title. This chapter may be cited as the Alabama Limited Partnership Act of 1997.

Section 10-9B-1103. Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Section 10-9B-1104. Effective date and repeal. The effective date of this chapter is October 1, 1998. Sections 10-9A-1 to 10-9A-203, inclusive, are hereby repealed on that date.

Section 10-9B-1105. Rules for cases not provided for in this chapter. In any case not provided for in this chapter, the provisions of the Alabama Uniform Partnership Act of 1996 govern.

Section 10-9B-1106. Savings clause. The repeal of any statutory provision by this chapter does not impair, or otherwise affect, the organization or the continued existence of a limited partnership existing at the effective date of this chapter, nor does the repeal of any existing statutory provision by this chapter impair any contract or affect any right accrued before the effective date of this chapter.

Section 2. Chapter 9A of Title 10 of the Code of Alabama 1975, comprised of Sections 10-9A-1 to 10-9A-203, inclusive, are repealed on the effective date of this act.

Section 3. This act shall become effective October 1, 1998, following its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 23, 1997

Time: 10:15 A.M.

Act No. 97-922

H. 58 – Reps. Drake, Morrison

AN ACT

Relating to Cullman County; to authorize the judge of probate to charge a fee for mailing boat licenses and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Cullman County is authorized to issue boat licenses, pursuant to Chapter 5, Title 33, Code of Alabama 1975, by mail and may collect an additional issuance fee established by the judge of probate in an amount not to exceed two dollars (\$2) to cover the expense of mailing such license.

Section 2. This act shall have retroactive effect to January 1, 1992, after its passage and approval by the Governor, or its otherwise becoming law and all such fees collected on or after January 1, 1992, are ratified.

Approved September 23, 1997

Time: 10:16 A.M.

Act No. 97-923

H. 118 – Rep. Venable

AN ACT

To amend Section 29-1-4 of the Code of Alabama 1975, to provide further for the time of commencing certain regular sessions of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-1-4 of the Code of Alabama 1975, is amended to read as follows:

“§29-1-4.

“The legislature shall convene on the second Tuesday in January next succeeding its election in organizational session and shall remain in session for not longer than 10 consecutive calendar days. Commencing in the year 1999, the annual sessions of the Alabama legislature shall commence on the first Tuesday in March of the first year of the term of office of the legislators, on the first Tuesday of February of the second and third years of the term and on the second Tuesday in January of the fourth year of the term. The annual sessions shall not continue longer than 30 legislative days and 105 calendar days.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:17 A.M.

Act No. 97-924

H. 17 – Reps. Fuller, Laird

AN ACT

Relating to the City of LaFayette in Chambers County, Alabama: prescribing certain regulations for the management and investment of proceeds from the sale of said City's gas distribution system; prescribing that the City shall place \$1,920,000 of such proceeds in a certain investment funds and prescribing penalties for misuse of such proceeds by appointed or elected officers in city.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of LaFayette has received proceeds from the sale of its gas distribution system, and all \$1,920,000 of such proceeds shall be used to establish an investment fund name "City of LaFayette Gas System Sale Investment Funds." This fund may receive money from other sources in addition to that received from the sale of the gas system.

Said Investment fund shall be invested only in United States Securities, or in investments secured by an agency of the United States Government and 90 percent of the annual interest therefrom shall be available to be spent or used for any lawful purpose. The remaining 10 percent of such interest together with the principal shall remain in the investment fund unless otherwise approved by a vote of two-thirds (2/3) of the qualified electors in the City of LaFayette. If approved by such voters, any portion of the aforesaid investment fund (principal and interest) may be used or spent for lawful purposes.

Section 2. That resolution 95-46, which directs the City to invest \$1.2 million of the proceeds be repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:18 A.M.

Act No. 97-925

H. 94 – Reps. Clouse, Carothers

AN ACT

To amend Section 12-15-102 of the Code of Alabama 1975, to further provide for the taking and disposition of fingerprints of children under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-15-102 of the Code of Alabama 1975, is amended to read as follows:

“§12-15-102.

“(a) Fingerprints of a child who has been taken into custody for an alleged delinquent act and admitted to a detention center shall be taken at the detention center and a copy shall be filed with the Alabama Bureau of Investigation.

“(b) If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of the child in custody, the officer may fingerprint the child regardless of age or offense for purpose of immediate comparison with the latent fingerprints. The prints may be retained in a local file and copies shall be sent to the Alabama Bureau of Investigation.

“(c) The court shall, by rule, require special precautions to be taken to insure that the fingerprints will be maintained in a manner and under safeguards as to limit their use to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.

“(d) A child who is referred to court for an alleged delinquent act may be photographed for criminal identification purposes. A child in custody for any other reason shall not be photographed for criminal identification purposes without the consent of the court.

“(e) Blood or other samples necessary for DNA testing may be taken for criminal identification purposes from a child referred to court for an alleged delinquent act, and may be submitted for DNA testing. The court shall, by rule, require special precautions to be taken to ensure that the results of the testing will be maintained in a manner and under safeguards that will limit their use to inspection for identification purposes by law enforcement officers or by staff of the testing facility only in the investigation of a crime.

“(f) Any person who willfully violates this section shall, upon conviction thereof, be guilty of a misdemeanor.”

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:19 A.M.

Act No. 97-926

H. 182 – Reps. McDaniel, Lindsey

AN ACT

Relating to DeKalb County, amending Section 4 of Act 97-557 of the 1997 Regular Session, specifying that the chair of the county commission shall serve full-time.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act 97-557, is amended to read as follows:

“Section 4. The members of the DeKalb County Commission serving pursuant to this act shall serve part-time. The chair of the DeKalb County Commission serving pursuant to this act shall serve full-time. The annual salary of the chair shall be forty-five thousand dollars (\$45,000) per year and the annual salary of each associate commissioner shall be the minimum compensation provided by general law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved September 23, 1997

Time: 10:20 A.M.

Act No. 97-927

H. 183 – Reps. Maull, Thomas (J)

AN ACT

Relating to Dallas County, to require the installation and maintenance of an improved system of recording, archiving, and retrieving documents affecting the title to property and other documents recorded in the office of the judge of probate and in the offices of other elected county officials; to provide for the collection and disposition of a special recording fee and a connection fee; and to provide that the system shall constitute official and permanent records in Dallas County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply in Dallas County. The purpose of this act is to facilitate the use of public

records in property transactions in Dallas County by providing for the installation of an improved system of recording, archiving, and retrieving instruments and documents affecting the title to real and personal property that are recorded in the office of the judge of probate and in the offices of other elected county officials, and for the recording, archiving, and retrieving of other instruments, documents, and other uses in the discretion of the judge of probate.

Section 2. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

(1) **GENERAL PROPERTY INSTRUMENT.** A real property instrument that affects the title to personal property as well as real property.

(2) **IMPROVED RECORDING SYSTEM.** A system of recording real property instruments and personal property instruments in the probate office and, in the discretion of the judge of probate, of recording other instruments and documents, which system when completed, will consist of the equipment necessary and suitable to record, archive, and retrieve records.

(3) **PERSONAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to personal property only, as distinguished from real property, that may be now or hereafter required to be filed or titled for record in the probate office, in accordance with the applicable requirements of the laws of this state, including, without limitation, Sections 35-4-50 and 35-4-90, Code of Alabama 1975.

(4) **REAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to real property that may now or hereafter be filed for record in the probate office pursuant to the applicable requirements of the laws of this state, including, without limitation, Section 12-13-43, Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgment, and plats or maps showing subdivisions of real estate.

Section 3. (a) The judge of probate is authorized to provide for the installation and thereafter for the maintenance of an improved recording, archiving, and retrieval system in the probate offices and the offices of other elected county officials of Dallas County. The initial installation of the improved recording, archival, and retrieval system shall include the following:

(1) The acquisition of the equipment provided for in the definition herein above set forth of an improved recording, archiving, and retrieving system.

(2) The establishment of procedures for the continued recording, archiving, and retrieving of all instruments and records that will, after the effective installation date, constitute a part of the improved recording, archiving, and retrieving system.

(b) The initial installation of the improved recording, archiving, and retrieving system shall be performed by a person or persons, firm, or corporation engaged in the records management business and experienced in setting up county records; and the initial installation shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts or titles. Following its installation in the county, the improved recording, archiving, and retrieving system shall be thereafter maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the aforesaid improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument and documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the probate office of the county shall be in accordance with the aforesaid improved recording, archiving, and retrieving system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with the provisions of existing law, including, without limitation, Section 12-13-43, Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records provided herein to be recorded, archived, and retrieved with computer-generated files, to be stored and filed on either optical disk, or on paper, as seen fit by county, and shall constitute the official record of the instruments for the purpose of Section 12-13-43, Code of Alabama 1975.

Section 5. All provisions of the laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved recording, archiving, and retrieving system installed hereunder, including, without limitation, the provisions of Section 12-13-43, Code of Alabama 1975, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of lis pendens, declarations of claims or exemption, certificates of judgment, or plats or maps showing subdivisions of real estate that are not inconsistent with

this act shall continue in effect with respect to an improved recording, archiving, and retrieving system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the special recording fees. Nothing contained in this section, however, shall prohibit the county from using any part of its own funds for the purpose of paying the cost of purchasing, operating, or maintaining, after the initial installation, any improved system installed pursuant to this act.

Section 7. A special recording and filing fee of five dollars (\$5) shall be paid to and collected by the judge of probate, with respect to each real property instrument, each personal property instrument, and UCC instrument that may be filed for record in the office of the judge of probate and with respect to other instruments and documents in the probate office at the discretion of the judge of probate and on and after the date, no instrument or document shall be received for record in the office of the judge of probate unless the special recording fee of five dollars (\$5) is paid thereon. The special recording fee shall be in addition to all other fees, taxes, and charges required by law to be paid upon the filing for record of any real property instrument, personal property instrument, or UCC instrument, and for the recording of other instruments and documents in the probate office at the discretion of the judge of probate. Any, all, or none of the special recording fee may be charged at the discretion of the judge of probate. All special recording fees so collected shall be paid into the general fund of the county. These funds shall be used at the discretion of the county commission for an improved recording, archiving, and retrieving system and other equipment, maintenance, and services necessary for the improvement of the office of the judge of probate.

Section 8. A special recording fee of five dollars (\$5) shall be paid to and collected by the judge of probate with respect to every court case filed in the probate court of Dallas County, this amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the general fund of the county.

Section 9. A special transaction fee of five dollars (\$5) shall be paid to and collected by the judge of probate with respect to every transaction occurring in or under the jurisdiction of the judge of probate, which amount shall be in addition to all other costs and fees heretofore collected. The additional fee shall be paid into the general fund of the county. Any, all, or none of the special transaction fee may be charged at the discretion of the judge of probate.

Section 10. Connection fees may be established and assessed by the judge of probate for any individual, company, corporation, or any other entity, wishing to access or retrieve, or both, public records from the probate office. The judge of probate reserves the right to charge fees according to the type or level of access, or both, desired by the individual, company, corporation, or any other entity. The minimum connection fee shall be one hundred fifty dollars (\$150). Any and all revenues generated whether directly or indirectly due to the use of or access to the improved recording, archiving, and retrieving system shall be paid directly into the general fund of the county. These funds shall be used at the discretion of the judge of probate.

Section 11. Any and all revenues generated either directly or indirectly due to the use of or access to the improved recording, archiving, and retrieving system shall be paid directly into the general fund of the county. These funds shall be used at the discretion of the judge of probate.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:21 A.M.

Act No. 97-928

H. 185 – Rep. Morrison

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Cullman in Cullman County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

The Southwest Quarter of Section 6, Township 10, Range 3 West containing 160 acres, more or less.

AND

The North Half of the Northeast Quarter of the Northeast Quarter of Section 7, Township 10 South, Range 3 West, subject to

TVA power line easement across the Northwest corner. Also subject to a 7 1/2 foot easement across the East end.

AND

Beginning at the Northwest corner of the North 1/2 of the Southwest 1/4 of Section 5, Township 10 South, Range 3 West, thence South 89 degrees 59 East, a distance of 1178.2 feet to a point, thence South 3 degrees 52' West a distance of 60 feet, thence South 26 degrees 08' West a distance of 115 feet, thence South 3 degrees 52' West a distance of 700 feet, thence South 26 degrees 08' East a distance of 115 feet, thence South 3 degrees 52' West along the West right-of-way of Interstate Highway 65 to the South line of the North 1/2 of the Southwest 1/4 of Section 5, Township 10 South Range 3 West, thence along the South line of said North 1/2 of Southwest 1/4 a distance of 1112.4 feet more or less to the southwest corner of the said North 1/2 of the Southwest 1/4, thence North 2 degrees West a distance of 1375.8 feet more or less to the point of beginning, containing 35.64 acres more or less, lying and being in the North 1/2 of the Southwest 1/4 of Section 5, Township 10 South, Range 3 West, Cullman County, Alabama.

AND

All that part of the Southwest Quarter of the Southwest Quarter of Section 5, Township 10 South, Range 3 West that lies West of Interstate Highway 65; except a strip 13 feet wide off the North side thereof; also except a right-of-way 30 feet wide deeded to Cullman County. Subject to an easement and right-of-way for public roads, utility lines and poles. Containing 31 acres, more or less.

LESS AND EXCEPT

Part of the Southeast Quarter of Section 6, Township 10 South, Range 3 West, more particularly described as: Beginning at the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 6; thence southwest 1610 feet more or less to the Southeast corner of said Lot 10, and THE TRUE POINT OF BEGINNING of the property herein described; thence southwest-ly along a cul-de-sac an arc distance of 79 feet more or less (chord distance 70.68) to a point, thence S 78 degrees 30'W, 378.58 feet; thence N 1 degree 15'W, 142.71 feet; thence N 33 degrees 48'35"E, 67.89 feet; thence S 89 degrees 56'37"E, 107.26 feet; thence N 63 degrees 14'E, 136.54 feet, thence 51 degrees 37'50"E, 179.81 feet to the true point of beginning, and containing 1.45 acres, more or less. Being Lot No. 10 of Windbrook Subdivision, an unrecorded subdivision.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be

annexed to the municipality of Cullman is on file in the office of the Judge of Probate in Cullman County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:22 A.M.

Act No. 97-929

H. 190 – Rep. Clark (J)

AN ACT

Relating to any municipality in Barbour County; to provide for the abatement of nuisances in the form of certain weeds or unsafe structures; to provide notices to the property owners, hearing procedures, abatement of the nuisances, the assessment of costs against the property, and for the collection of the costs.

Be It Enacted by the Legislature of Alabama:

Article I.

Section 1. Applicability.

The provisions of this act shall only apply to any municipality located in Barbour County, Alabama.

Article II.

Section 1. Weeds may be declared a public nuisance and abated.

All weeds growing upon streets, sidewalks, or upon private property within any municipalities located in Barbour County, Alabama, which bear seeds of a wingy or downy nature, which attain such a large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous may be declared to be a public nuisance by the governing body of the municipality and may be abated as hereinafter provided.

Section 2. Report of appropriate city official; resolution declaring a public nuisance.

The term “appropriate city official” as used in this article shall mean any city official or employee designated by the mayor or other chief executive officer of the city as the person to exercise the authority and perform the duties delegated by this article to the “appropriate city official”.

The appropriate city official shall report to the city governing body whenever weeds are growing upon any street, sidewalk, or private property which constitute a nuisance. Upon receiving a report, the city governing body may declare the same to be a public nuisance and order its abatement.

Section 3. Notice to owner; contents; posting of signs.

After the passage of a resolution, the appropriate city official shall send notice of the action to the last person or persons, firm, association, or corporation last assessing the property for state taxes, by certified or registered mail to the address on file in the revenue commissioner's office to remedy the growth of weeds within a reasonable time set out in the notice, not to exceed 14 days or suffer the weeds to be abated by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The city shall also place a sign conspicuously on the property indicating that the city governing body has found the property to be a public nuisance because of the unlawful growth of weeds.

Section 4. Hearing.

Within the time specified in the notice, but not more than 14 days from the date the notice is given, any person, firm, or corporation, may file a written request for a hearing before the governing body of the city, together with objections to the finding by the city governing body that the weeds constitute a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the mayor of the city governing body shall order the weeds to be abated as hereinafter provided.

Section 5. Entry of municipal employees and agents on property to abate nuisance; abatement by private contractor.

If the nuisance on the property has not been abated within 14 days after the city governing body's resolution, the mayor of the city shall order the nuisance to be abated. The abatement may be accomplished, at the option of the city, by its own forces or by contract. For purposes of this article, compliance with the competitive bid laws shall not be required. All city employees and duly authorized agents are expressly authorized to enter private property for the purpose of abating the nuisance thereon.

Section 6. Accounting of cost of abatement.

The appropriate city official shall give an itemized written report to the city governing body regarding the cost of abating the

nuisance. The cost of abatement shall be the actual cost the city incurs in the abatement, including administrative costs. Should the city contract for abatement, the cost shall be the actual costs the contractor charges the city for the abatement, including administrative costs the city incurs. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution confirming the costs of the reports, provided that any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk of the city shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

Section 7. Cost to constitute weed liens; report to revenue commissioner; amounts to be included in tax bills; collection.

The confirmed cost of abatement shall hereinafter be referred to as a weed lien and thus made and confirmed shall constitute a weed lien on the property for the amount of the weed lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Barbour County who, under the optional method of taxation, is charged with the collection of the city's municipal taxes pursuant to Sections 11-51-40 through 11-51-74, Code of Alabama 1975. Whereupon it shall be the duty of the county revenue commissioner to add the amounts of any weed lien to the next regular bills for taxes levied against the respective lots and parcels of land, and thereafter any weed liens shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. The county revenue commissioner shall retain 10 percent of the amount of each weed lien collected and remit the remainder to the municipality. The amount retained by the revenue commissioner shall be used for operational purposes.

Section 8. Article cumulative in nature.

This article shall be cumulative in its nature, and in addition to any and all power and authority which the city may have under any other law.

Article III.

Section 1. Demolition of unsafe structures by any municipalities located in Barbour County, Alabama.

Any municipality located in Barbour County, Alabama, shall have authority, after notice provided herein, to move or demolish

buildings and structures, or parts of buildings and structures, party walls and foundations, when the same are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 2. Meaning of "appropriate city official"; duties; notice of unsafe or dangerous condition.

The term "appropriate city official" as used in the article shall mean any city building official or deputy and any other city official or city employee designated by the mayor or other chief executive officer of the city as the person to exercise the authority and perform the duties delegated by this article to "appropriate city official." Whenever the appropriate city official of the city shall find that any building, structure, part of building or structure, party wall or foundation situated in any city is unsafe to the extent that it is a public nuisance, the official shall report the findings to the city governing body. At that time the city governing body shall determine whether the building, structure, part of building or structure, party wall, or foundation constitutes a public nuisance. Should the city governing body find by resolution that the building, structure, part of building or structure, party wall, or foundation is a public nuisance, then the appropriate city official shall give the person or persons, firm, association, or corporation last assessing the property for state taxes, by certified or registered mail to the address on file in the revenue commissioner's office, notice to remedy the unsafe or dangerous condition of the building or structure, or to demolish the same, within a reasonable time set out in the notice, which time shall not be less than 30 days unless an extension is granted by the appropriate city official or suffer the building or structure to be demolished by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The city shall place a sign or placard within 15 feet of the entrance of the building or structure, indicating that the city had declared the building or structure to be a public nuisance; however, if there is no entrance in which to place the sign or placard, then the sign or placard may be posted at any location upon the building or structure.

Section 3. Hearing procedure; order; appeal.

Within the time specified in the notice, but not more than 30 days from the date the notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the governing body of the city, together with the objections to the finding by the city governing body that the building or structure is unsafe to the extent of

becoming a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five nor more than 30 days after the request. In the event that no hearing is timely requested, the governing body shall order the building or structure to be demolished. The demolition may be accomplished, at the option of the city, by the use of its own forces or it may provide by contract for the demolition. For purposes of this article, compliance with the competitive bid laws are not required. The city shall have authority to sell or otherwise dispose of salvaged materials resulting from the demolition.

Any person aggrieved by the decision of the governing body at the hearing may, within 10 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of appeal and bond for security of costs in the form and amount to be approved by the circuit clerk. Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the clerk of the city and the appeal shall be docketed in the court, and shall be a preferred case therein. The clerk of the city shall, upon receiving the notice, file with the clerk of the court a copy of the findings and determination of the governing body in proceedings, and trials shall be held without jury upon the determination of the governing body that the building or structure is unsafe to the extent that it is a public nuisance.

Section 4. Report of cost of demolition; adoption of resolution fixing costs; proceeds of sale of salvaged materials; objections to findings of cost; notice.

Upon demolition of the building or structure, the appropriate city official shall make an itemized written report to the governing body of the cost thereof. The cost of the demolition shall be the actual cost the city incurs in the demolition should the city use its own forces, including administrative costs the city incurs in abating the nuisance. Should the city contract for demolition, the cost shall be the actual cost the contractor charges the city for the demolition, including administrative costs the city incurs in abating the nuisance. Upon report of the costs by the appropriate city official, the governing body shall adopt a resolution fixing the costs which it finds were incurred in the demolition and assessing the same against the property; provided, however, the proceeds of any moneys received from the use of salvaged materials from the building or structure shall be used or applied against the cost of the demolition; and provided, further, then any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof.

The city clerk of the city shall give at least 10 days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest is determined from the revenue commissioner's records on the property or is otherwise known to the clerk. The fixing of costs by the governing body shall constitute a special assessment against the lot or lots, parcel or parcels of land upon which the building or structure was located, and thus made and confirmed shall constitute lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. A certified copy of the resolution shall be filed in the office of the Judge of Probate of Barbour County. Upon filing, the revenue commissioner of the county shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the city. The county revenue commissioner shall retain 10 percent of the amount of each lien collected to be used for operational purposes.

Section 5. Assessment of costs; sale and redemption of lots.

The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for nonpayment of taxes, and where any assessment is made against the lot or lots, parcel or parcels of the land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the city.

Section 6. Payment of assessments.

Payment of any assessment, or if delinquent, the collection of the assessment, shall be made in the manner and as provided for the payment of municipal improvement assessments as provided for the payment of and delinquent collection of municipal improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of Chapter 2 of Title 11, Code of Alabama 1975. The city may, in the latter notice, elect to have the revenue commissioner collect the assessment by adding the same to the tax bill; upon the election the revenue commissioner shall collect the assessment using all methods available for collecting ad valorem taxes. Ten percent of the amount of each assessment collected by the county

revenue commissioner shall be retained by the county revenue commissioner and used for operational purposes.

Section 7. Article cumulative in nature.

This article shall be cumulative in its nature, and in addition to any and all power and authority which any city may have under any other law.

Article IV.

Section 1. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:23 A.M.

Act No. 97-930

H. 203 – Rep. Venable

AN ACT

Relating to Elmore County; amending Section 11 of Act 95-393, 1995 Regular Session (Acts 1995, p. 800), relating to fire protection fees, to provide further for the use of a portion of the funds retained by the Elmore County Firefighters Association.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act 95-393, 1995 Regular Session (Acts 1995, p. 800), is amended to read as follows:

“Section 11. The revenue commissioner shall collect the fire protection fee from owners of dwellings and commercial buildings. The judge of probate shall collect the fire protection fee from the owners of mobile homes, house trailers, and units of manufactured housing at the time of issuance or renewal of yearly decals. The revenue commissioner and judge of probate shall keep proceeds from the fire protection fee separate and apart from all other funds and maintain clear and distinct account showing the amount paid. The revenue commissioner and judge of probate shall not accept partial payment of the fire protection fee. The officials collecting or assessing the fire protection fee shall be entitled to the same fees and compensation as provided for collecting and assessing ad valorem taxes. The proceeds of the fire protection fee shall be paid into the general fund of the county. Within 30 days after payment into the general fund, the commission shall pay the funds to the Elmore County Firefighters Association. The

commission shall also include a report detailing the exact amount collected from each district so that the association may disburse the proceeds according to a percentage based upon the proceeds collected in each district. The association shall retain five percent of the gross proceeds from each district to be used, after approval by a majority vote of member departments in good standing, for county-wide fire protection, fire prevention, and emergency medical services to include, but not be limited to, fire or emergency medical equipment, fire or emergency medical supplies, training, buildings, capital improvements, insurance, dues, and professional services. These proceeds shall not be used for salaries, entertainment, or fund-raising purposes. Any proceeds from the firefighters association's five percent share of the fees collected that are unexpended or not appropriated at the end of the fiscal year shall remain in the association's treasury for appropriation and use during any fiscal year thereafter. These proceeds shall be administered by the association compliance with all applicable requirements of the Office of Examiners of Public Accounts."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:24 A.M.

Act No. 97-931

H.J.R. 144 – Reps. Knight (A), Townsend,
Payne, Carns, Petelos,
Morton, Hill, Sanderson,
McAdory, Houston, Spratt,
Hilliard, Curry, Hawkins,
Minnifield, Gaines

HOUSE JOINT RESOLUTION

ENCOURAGING EFFICIENT AND EFFECTIVE LOCAL STORM WATER MANAGEMENT PROGRAMS.

WHEREAS, the Legislature found and declared in Act 95-775, codified as Sections 11-89C-1 through 11-89C-14, Code of Alabama 1975, that it is in the public interest to promote efficient and effective compliance with federal and state laws, rules, regulations, and permits relating to storm water discharges into municipal separate storm sewers and to assist in cooperation between state agencies and governing bodies in the implementation of the storm water laws; and

WHEREAS, the Legislature passed Act 95-775 to provide for the creation of public corporations to assist in the design and

implementation of storm water management programs controlling discharges to municipal separate storm sewer systems and to establish the limits of such programs and the relationship such programs should have to ADEM regulatory programs and sites already regulated by ADEM; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature granted the authority provided in Act 95-775 with the specific prohibition that "the rules and regulations shall not impose any additional requirements than those mandated by the EPA," intending thereby to limit all aspects of local storm water management programs to only those aspects absolutely required to satisfy the relevant federal laws and regulations.

RESOLVED FURTHER, That the Legislature intended the specific prohibition referenced above to limit the jurisdictional scope of local storm water management programs to those sites discharging storm water into the municipal separate storm sewer system and to limit the substantive scope of local storm water management programs to matters absolutely required by the relevant federal laws and regulations.

RESOLVED FURTHER, That the Legislature granted the authority provided in Act 95-775 with numerous specific provisions intended to make clear that ADEM is to maintain regulatory responsibility for all sites subject to ADEM storm water regulations and that local storm water management programs are to rely upon ADEM for control of storm water discharges from such sites, rather than subjecting such sites to any form of double regulation.

RESOLVED FURTHER, That the Legislature provided in Act 95-775 for a funding mechanism to aid local storm water management programs in meeting the financial obligations imposed by this unfunded federal mandate with the full intention that the expense of such programs would be restrained by the strict limitations on the scope of such programs to that scope absolutely required by the relevant federal laws and regulations.

RESOLVED FURTHER, That the Legislature passed Act 95-775, with the intention that any public corporation created pursuant to such act implement an efficient and effective storm water program which promotes the fullest public participation feasible.

RESOLVED FURTHER, That suitable copies of this resolution be forwarded to the Alabama Department of Environmental Management and all localities currently engaged in the development of local storm water management programs pursuant to Act 95-775.

Approved September 23, 1997

Time: 10:25 A.M.

Act No. 97-932

S. 101 – Senator Poole

AN ACT

To require the State Board of Education to make the public high school graduation examination available to nonpublic high school students for a reasonable fee.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) If the State Board of Education requires public high school students to take a high school graduation examination prior to graduation, the board shall make the examination available to nonpublic high school students in the state.

(b) This section shall not be construed as requiring nonpublic high schools to give the graduation examination. The examination shall be made available to nonpublic high school students so that those students may use the results of the examination to satisfy admission requirements of institutions of higher education.

(c) The board may establish and charge each nonpublic high school student taking the examination a reasonable fee to cover costs of providing the examination.

(d) The board may promulgate necessary rules and regulations to implement this section.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:26 A.M.

Act No. 97-933

S. 35 – Senator Freeman

AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1997-98 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are

shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries, and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		
General Fund	Earmarked Funds	Appropriation Total

2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	11,981,280
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SOURCE OF FUNDS:

(1) State General Fund.....	10,481,280		
(2) Federal and Local Funds		1,500,000	
Total Department of Exam- iners of Public Accounts	10,481,280	1,500,000	11,981,280

The Department of Examiners of Public Accounts is hereby authorized to examine as deemed necessary all appropriations herein made for compliance with the laws of the State of Alabama. Any examination performed shall be in accordance with the provisions of Title 41, Chapter 5, Code of Alabama 1975.

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educa- tional Activities Program	365,582
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SOURCE OF FUNDS:

(1) State General Fund.....	365,582	
Total Alabama Law Institute	365,582	365,582

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	292,055
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SOURCE OF FUNDS:

(1) State General Fund.....	292,055	
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.		
Total Legislative Council	292,055	292,055

4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program	1,302,683
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SOURCE OF FUNDS:

(1) State General Fund.....	1,302,683	
Total Legislative Fiscal Office ..	1,302,683	1,302,683

5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program	2,021,042
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SOURCE OF FUNDS:

(1) State General Fund.....	2,021,042	
Total Legislative Reference Service.....	2,021,042	2,021,042

6. LEGISLATURE:

(a) Legislative Operations and Support Program	15,218,090
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The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975. It is the intent of the Legislature that (1) at least \$35,000 shall be allocated for each of the following committees: Senate Finance and Taxation-Education Committee, the Office of the Senate Pro Tempore, the Senate Committee on Economic Expansion and Trade, the Senate Rules Committee, the House Ways and Means Committee, the Office of the House Pro Tempore, and the House Rules Committee; (2) an amount not to exceed \$50,000 shall be allocated to the Office of the Speaker of the House of Representatives; (3) \$25,000 shall be allocated to the Senate Floor Leader's Office; \$25,000 shall be allocated to the House Judiciary Committee; \$25,000 shall be allocated to the Senate Judiciary Committee; (4) an amount not to exceed \$50,000

shall be allocated to the Office of Presiding Officer of the Senate; and (5) \$7,000 shall be allocated to the Permanent Municipal Government Committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,218,090	
Total Legislature.....	15,218,090	15,218,090

7. OFFICE OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

(a) Legislative Operations and Support Program	627,000
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In accordance with Act 97-658.

SOURCE OF FUNDS:

(1) State General Fund.....	627,000	
Total Office of the Speaker of the House of Representatives .	627,000	627,000

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program....	2,911,373
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SOURCE OF FUNDS:

(1) State General Fund.....	2,911,373	
Total Court of Civil Appeals...	2,911,373	2,911,373

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program....	3,006,922
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SOURCE OF FUNDS:

(1) State General Fund.....	3,006,922	
Total Court of Criminal Appeals	3,006,922	3,006,922

3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program.....	174,391
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>174,391</u>	
Total Judicial Inquiry Com- mission	<u>174,391</u>	<u>174,391</u>

4. JUDICIAL RETIREMENT
FUND:

(a) Retirement Systems Pro- gram.....		1,449,000
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,449,000</u>	
Total Judicial Retirement Fund	<u>1,449,000</u>	<u>1,449,000</u>

5. SUPREME COURT:

(a) Court Operations Program..		6,260,869
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>6,260,869</u>	
Total Supreme Court.....	<u>6,260,869</u>	<u>6,260,869</u>

Of the above appropriation to the Supreme Court, the sum of \$125,000 shall be used to fund the Alabama Supreme Court Commission on Dispute Resolution and \$50,000 shall be allocated to the Conference of Chief Justices.

6 SUPREME COURT LI-
BRARY:

(a) Court Operations - Library Service Program		1,378,063
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,378,063</u>	
Total Supreme Court Library....	<u>1,378,063</u>	<u>1,378,063</u>

7. UNIFIED JUDICIAL SYS-
TEM:

(Administrative Office of
Courts)

(a) Court Operations Pro- gram.....		88,974,294
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(b) Administrative Services Program			3,359,656
(c) DUI Referral Program			64,355
(d) Fringe Benefit Program, Estimated			545,000
(e) Court Equipment and Court Security Program			921,704
(f) Judicial Building Operations Program			3,984,869
SOURCE OF FUNDS:			
(1) State General Fund	92,675,502		
(2) State General Fund-Social Security-County Judicial, Estimated		545,000	
(3) State General Fund Transfer-Juvenile Justice Coordinating Council		20,000	
In accordance with Section 12-15-131, Code of Alabama 1975.			
(4) Court Referral Officer Fund		2,280,460	
In accordance with Sections 12-23-1 through 12-23-19, Code of Alabama 1975.			
(5) Juvenile Justice Coordinating Council Fund		4,195	
The above appropriation shall be allocated to Children's Hospital to conduct a pilot juvenile intervention program which shall receive referrals from the courts.			
(6) Court Automation Fund...		1,124,630	
In accordance with Section 12-19-180, Code of Alabama 1975.			
(7) Federal Funds		1,200,000	
Total Unified Judicial System...	93,240,502	4,609,285	97,849,787

In addition to the above appropriation, there is hereby conditionally appropriated \$700,000 to the Unified Judicial System from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor. The above appropriation to the Court Operations Program includes the amount necessary to pay the cost of the court reporter's pay increase authorized by Act 97-261.

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	5,000	5,000
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program	712,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	712,000
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public

Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	712,000	712,000
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program		841,420
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SOURCE OF FUNDS:

(1) State General Fund, Estimated	833,020	
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For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975, and for payment of claims against voided warrants.

(2) State General Fund-Administrative Costs	8,400	
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As provided by Section 41-9-73, Code of Alabama 1975.

Total Board of Adjustment	841,420	841,420
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4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program		579,033
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(b) Airport Improvement Program, Estimated		375,000
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To be used only as grants awarded by the Alabama Aeronautics Commission for the general promotion, advancement, education and safety of aeronautics and for the improvement of airports or other aeronautical facilities in the State of Alabama.

(c) Civil Air Patrol Program .. 75,000

SOURCE OF FUNDS:

(1) State General Fund-Civil Air Patrol Program.....	75,000		
(2) Airports Development Fund-Aviation Fuel Tax.....		889,033	
As provided by Section 4-2-42, Code of Alabama 1975.			
(3) Airports Development Fund-Federal Funds.....		65,000	
Total Department of Aeronautics.....	75,000	954,033	1,029,033

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program..... 18,717,744

Of the above appropriation, \$50,000 shall be allocated to the Walker County Senior Citizens Center and \$60,000 shall be allocated to the Senior Citizens Center in Helena, Shelby County.

(b) Economic Assistance Program..... 10,624,390

(c) Alzheimer's/Dementia Coordination Program..... 50,000

SOURCE OF FUNDS:

(1) State General Fund.....	1,879,456		
(2) State General Fund Medicaid Waiver.....	3,356,673		
(3) Federal and Local Funds ...		24,156,005	
Total Commission on Aging....	5,236,129	24,156,005	29,392,134

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the

state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,201,413
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,126,413	
(2) Alabama Agricultural and Conservation Development Commission Revolving Fund		75,000

As provided in Section 9-8A-4.1,
Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,126,413	75,000	2,201,413
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program	35,050
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SOURCE OF FUNDS:

(1) State General Fund.....	35,050	
Total Alabama Agricultural and Industrial Exhibit Commission.....	35,050	35,050

8. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program.....	1,297,755
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SOURCE OF FUNDS:

(1) State General Fund.....	164,963	
For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and exhibits and other activities.		
(2) State General Fund- Operations.....	394,646	
(3) State General Fund- Livestock Coliseum.....	279,146	
(4) Livestock Coliseum Fund..	459,000	
Total Agricultural Center Board.....	838,755	459,000 1,297,755

9. AGRICULTURAL MUSEUM BOARD, ALABAMA:

(a) Agricultural Promotional Program	135,000
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SOURCE OF FUNDS:

(1) State General Fund.....	135,000	
Total Alabama Agricultural Museum Board	135,000	135,000

It is the intent of the Legislature that the appropriation made hereinabove to the Alabama Agricultural Museum Board may be used for Capital Outlay purposes by the Board.

10. AGRICULTURE AND
INDUSTRIES, DEPART-
MENT OF:

(a) Administrative Services
Program

2,422,815

Of the above appropriation,
\$115,000 shall be transferred
to the Alabama Aquaculture
Center in Gadsden; \$150,000
shall be expended by the
State Climatologist; \$50,000
shall be expended for the
Blount/Oneonta Agriculture
Center and \$25,000 shall be
expended for the Fayette
County Agriculture Center.
Of the above appropriation,
\$100,000 shall be transferred
to the Pike County Agri-
cultural Complex.

(b) Agricultural Inspection
Services Program

14,454,071

Of the above appropriation,
\$2,200,000 shall be allo-
cated to the Boll Weevil
Eradication Program and
\$100,000 shall be allocated
for fire ant eradication/
research at the Department
of Entomology at Auburn
University; and \$25,000
shall be allocated to the
Racking Horse Breeder's
Association of America for
capital improvements to
"Celebration Arena." In
addition to the above appro-
priation there is hereby
appropriated \$400,000 for
the Boll Weevil Eradication
Program to be conditioned
upon the availability of
funds in the State General
Fund and the approval of
the Governor.

(c) Laboratory Analysis and
Disease Control Program

5,092,300

Of the above appropriation it is the intent of the Legislature that at least \$250,000 shall be utilized for the diagnostic laboratory in Hanceville, Alabama; \$500,000 shall be utilized for the Auburn Poultry Science Building; and \$100,000 shall be utilized for Agriculture Research at Alabama A&M University. In addition to the above appropriation, there is hereby appropriated \$1,000,000 to the Poultry Science Building at Auburn and \$1,000,000 for Agriculture Research at Alabama A&M University to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor. In addition to the above appropriation there is hereby appropriated \$1,000,000 to the Diagnostic Laboratory at Auburn University from the State General Fund to be conditioned upon the availability of funds and the approval of the Governor.

(d) Animal Damage Control
Program

150,000

(e) Small Farm Program.....

37,500

(f) Agricultural Development
Services Program.....

1,778,497

SOURCE OF FUNDS:

(1) State General Fund.....	11,713,183	
(2) Federal and Local Funds...		2,472,238
(3) Shipping Point Inspection Fund		4,450,000

Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975.

(4) Egg Inspection Fund	22,000		
(5) Agricultural Fund	5,277,762		
Total Department of Agriculture and Industries.....	11,713,183	12,222,000	23,935,183

In addition to the above appropriation to the Department of Agriculture and Industries, there is hereby conditionally appropriated \$500,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

11. AIRPORT AUTHORITY, ALABAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Program	70,000
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SOURCE OF FUNDS:

(1) State General Fund.....	70,000	
Total Alabama International Airport Authority.....	70,000	70,000

12. ALABAMA TRUST FUND BOARD:

(a) Administrative Program..	25,000
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SOURCE OF FUNDS:

(1) State General Fund.....	25,000	
Total Alabama Trust Fund Board	25,000	25,000

13. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Product Management Program	32,501,121
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(b) Enforcement Program.....	8,000,000
(c) Administrative Services Program	6,300,000

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State General Fund of \$7,001,121. The above transfer shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

(d) Tobacco Regulation Program	200,000
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SOURCE OF FUNDS:

(1) State General Fund-Tobacco Regulation Program	200,000	
(2) ABC Board Fund		46,801,121

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales

operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the state shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	200,000	46,801,121	47,001,121
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14. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program	256,000
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	256,000
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As provided in Section 34-2-41,
Code of Alabama 1975.

Total Board for Registration of Architects	256,000	256,000
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15. ARCHIVES AND HIS-
TORY, DEPARTMENT OF:

(a) Historical Resources Man- agement Program.....	2,984,810
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Of the above appropriation,
\$120,000 shall be used to oper-
ate the Records Retention
Program.

SOURCE OF FUNDS:

(1) State General Fund.....	2,859,809
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(2) Archives Historical Col- lections Fund	10,001
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In accordance with Section
41-6-71, Code of Alabama
1975.

(3) Archives Services Fund.....	115,000
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In accordance with Section
41-6-76, Code of Alabama
1975. In addition to the above
appropriation to the Archives
Services Fund, there is condi-
tionally appropriated the
sum of \$4,000 to be condi-
tioned upon the availability
of funds in the State General
Fund and upon approval of
the Governor. This appropri-
ation shall be for the sole
purpose of establishing an
archival record of the life and
public history of the late
Senator Michael A. Figures.

Total Department of Archives and History	2,859,809	125,001	2,984,810
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16. ATHLETE AGENT REG-
ULATORY COMMISSION:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	25,000
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SOURCE OF FUNDS:

(1) Athlete Agent Regulatory Commission Fund.....	25,000	
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As provided in Section 8-26-17, Code of Alabama 1975.

Total Athlete Agent Regulatory Commission.....	25,000	25,000
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17. ATHLETIC TRAINERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	29,082	
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SOURCE OF FUNDS:

(1) Alabama Athletic Trainers Fund	29,082	
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As provided in Section 34-40-14, Code of Alabama 1975.

Total Alabama Board of Athletic Trainers.....	29,082	29,082
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18. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program.....	12,344,105	
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(b) Fair Marketing Practices Program	668,970	
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SOURCE OF FUNDS:

(1) State General Fund.....	7,803,373	
(2) State General Fund - Consumer Protection.....	668,970	
(3) State General Fund - Consumer Utility Rate Hearing..	250,000	
(4) Federal Funds	1,534,379	
(5) Miscellaneous Receipts	2,671,353	
(6) Attorney General's Litigation Support Fund	85,000	

In accordance with Section 36-15-4.2, Code of Alabama 1975.

Total Office of the Attorney General	8,722,343	4,290,732	13,013,075
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In addition to the above appropriation, there is hereby appropriated \$300,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

19. AUCTIONEERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			119,158
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund	119,158		
Total Alabama State Board of Auctioneers	119,158		119,158

20. AUDITOR, STATE:

(a) Fiscal Management Program			716,582
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SOURCE OF FUNDS:

(1) State General Fund	716,582		
Total State Auditor	716,582		716,582

In addition to the above appropriation, there is hereby appropriated \$96,000 to the State Auditor from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

21. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program			5,806,866
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SOURCE OF FUNDS:

(1) Banking Assessment Fees...	4,943,816		
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As provided in Section 5-2A-20, Code of Alabama 1975.		
(2) Loan Examination Fund..	863,050	
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.		
Total State Banking Department	5,806,866	5,806,866
22. BAR ASSOCIATION, ALABAMA STATE:		
(a) Professional and Occupational Licensing and Regulation Program		3,183,669
SOURCE OF FUNDS:		
(1) State Bar Association Fund	2,897,355	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.		
(2) Federal and Local Funds...	286,314	
As provided in Sections 34-3-17 and 34-3-18, Code of Alabama 1975.		
Total Alabama State Bar Association	3,183,669	3,183,669
23. BEAR CREEK DEVELOPMENT AUTHORITY:		
(a) Water Resource Development Program		38,229
SOURCE OF FUNDS:		
(1) State General Fund	38,229	
Total Bear Creek Development Authority	38,229	38,229
24. BUILDING COMMISSION, STATE:		
(a) Special Services Program...		934,228
SOURCE OF FUNDS:		
(1) State General Fund	236,242	

(2) Miscellaneous Funds.....		697,986	
Total State Building Commission	236,242	697,986	934,228
25. BUILDING RENOVATION FINANCE AUTHORITY, ALABAMA:			
(a) Administrative Support Services Program.....			8,996,541
SOURCE OF FUNDS:			
(1) State General Fund Transfer.....	1,256,223		
(2) State General Fund Transfer-Debt Service	475,000		
(3) Departmental Receipts, Estimated.....		7,265,318	
Total Alabama Building Renovation Finance Authority	1,731,223	7,265,318	8,996,541
26. CAHABA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			175,000
SOURCE OF FUNDS:			
(1) State General Fund	175,000		
Total Cahaba Advisory Committee	175,000		175,000
27. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program...			1,735,085
In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer.....	875,260		
(2) Children's Trust Fund, Estimated.....		859,825	
Total Child Abuse and Neglect Prevention Board.....	875,260	859,825	1,735,085

28. CHILDREN'S SERVICES FACILITATION TEAM:

(a) Human Services Program... 200,000

SOURCE OF FUNDS:

(1) State General Fund..... 100,000
(2) Departmental Receipts 100,000

As provided in Section 12-15-174,
Code of Alabama 1975.

Total Children's Services Facilitation Team	100,000	100,000	200,000
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In addition to the above appropriation to the Children's Services Facilitation Team, there is hereby conditionally appropriated \$6,000,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. This conditional appropriation shall be allocated as follows: \$2,000,000 for State Children Service's Facilitation Team, \$1,000,000 for Juvenile Sex Offender Treatment, \$1,000,000 for Traumatic Brain Injury Treatment, \$1,000,000 for Children/Adolescent Services and \$1,000,000 for Multiple Needs Children Support Services.

29. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 202,000

SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiners Fund. 202,000

As provided in Section
34-24-143, Code of Alabama
1975.

Total Alabama State Board of Chiropractic Examiners	202,000	202,000
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30. CHOCCOLOCCO CREEK
WATERSHED CONSER-
VANCY DISTRICT:

(a) Water Resource Develop- ment Program	19,763
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SOURCE OF FUNDS:

(1) State General Fund	19,763
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Total Choccolocco Creek Water- shed Conservancy District	19,763	19,763
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31. CHOCTAWHATCHEE,
PEA AND YELLOW RIVERS
WATERSHED MANAGE-
MENT AUTHORITY:

(a) Water Resource Develop- ment Program	245,668
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SOURCE OF FUNDS:

(1) State General Fund	245,668
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Total Choctawhatchee, Pea and Yellow Rivers Watershed Management Authority	245,668	245,668
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32. CONSERVATION AND
NATURAL RESOURCES,
DEPARTMENT OF:

(a) State Land Management Program	2,960,125
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(b) Outdoor Recreation Sites and Services Program	29,688,871
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Of the above appropriation,
\$50,000 shall be transferred
to the Madison County
Commission for the Sharon
Johnson Park.

(c) Marine Police Program	5,510,518
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(d) Wildlife Game and Fish Program	21,447,141
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(e) Marine Resources Program	3,448,876
(f) Administrative Services Program	4,637,675
(g) Capital Outlay Program...	10,816,254

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Game and Fish Fund	534,644
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).	
(2) State General Fund-Transfer-Marine Resources Fund	50,000
(3) State General Fund-Transfer to Marine Police	100,000
(4) State General Fund-Transfer-Outdoor Recreation Sites and Services	50,000
(5) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	14,242,497
(6) Game and Fish Fund-Federal and Local Funds	7,090,000
(7) State Lands Fund.....	2,885,125
(8) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts	2,108,876

(9) Marine Resources Fund- Federal and Local Funds	1,340,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and shall be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(10) Marine Police Fund- Licenses, Fines, Taxes and Other Departmental Receipts...	4,960,518
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(11) Marine Police Fund- Federal and Local Funds	850,000
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(12) State Parks Fund	500,202
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(13) State Parks Fund-Act 96-785.....	9,796,254
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(14) Parks Revolving Fund, Estimated.....	25,138.669
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(15) State Parks Fund-Ciga- rette Tax.....	4,000,000
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(16) Administrative Funds	4,637,675
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(17) Forever Wild Trust Fund Transfer.....	225,000
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The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.

Total Department of Con- servation and Natural Re- sources	<u>734,644</u>	<u>77,774,816</u>	<u>78,509,460</u>
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33. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program	759,236
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	759,236
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	759,236	759,236
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34. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program	9,542,147
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(b) Institutional Services Corrections Program	181,607,799
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(c) Correctional Agricultural and Industries Program	20,179,248
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Agricultural and Industries Program.

SOURCE OF FUNDS:

(1) State General Fund.....	163,111,958
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Of the above appropriation
\$800,000 of the above General

Fund appropriation is conditioned upon completion of a high voltage fence at Donaldson Correctional Facility.

(2) Department of Corrections Industrial Revolving Fund....	20,179,248
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The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund	289,843
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In accordance with Section 13A-12-283, Code of Alabama 1975.

(4) Federal Funds	869,530
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(5) Correctional Agricultural Fund	3,378,615
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(6) Departmental Receipts	23,500.000
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Total Department of Corrections	163,111,958	48,217,236	211,329,194
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In addition to the above appropriation, there is hereby conditionally appropriated \$1,500,000 to the Department of Corrections from the State General Fund, for operations and maintenance of Brent Correctional Facility, to be conditioned upon the availability of funds in the State General Fund, the

recommendation of the Director of Finance, and the approval of the Governor. In addition to the above appropriation, there is hereby conditionally appropriated \$5,000,000 to the Department of Corrections from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

35. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	731,190
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	731,190
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	731,190	731,190
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36. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	255,366
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	255,366
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in counseling	255,366	255,366
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37. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program	712,310
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	712,310
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As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	712,310	712,310
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38. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated	1,572,900
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated	1,572,900
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To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission ..	1,572,900	1,572,900
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39. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program	5,082,039
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SOURCE OF FUNDS:

(1) State General Fund	2,492,855
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(2) Miscellaneous Receipts	2,000
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(3) Federal and Local Funds ...	2,587,184
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Total Alabama Criminal Justice Information Center	2,492,855	2,589,184	5,082,039
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40. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission	210,494
(b) Industrial Development Program-Alabama Development Office.....	4,512,718

Of the above appropriation, \$500,000 shall be allocated for the state's commitment to the joint advertising effort for the State of Alabama and Mercedes Benz USI to be matched by contributions from the Metropolitan Development Board and the Economic Development Partnership of Alabama.

SOURCE OF FUNDS:

(1) State General Fund-Alabama Development Office..	4,412,718		
(2) State General Fund-Alabama Film Commission..	210,494		
(3) Departmental Receipts		100,000	
Total Alabama Development Office	4,623,212	100,000	4,723,212

In addition to the above appropriation, there is hereby appropriated from the State General Fund to the Alabama Development Office \$2,500,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

41. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program	80,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/
Nutrition Fund.....

80,000

As provided in Section
34-34A-8, Code of Alabama
1975.

Total Alabama State Board of
Examiners for Dietetics/
Nutrition Practice.....

80,000

80,000

42. DISTRICT ATTORNEYS:

(a) Court Operations Program..

19,058,287

The proposed spending plan
included in the above total
is as follows:

Salaries of District

Attorneys.....3,656,956

For the use of the elected
Assistant District Attorney of
the Bessemer Division of the
10th Judicial Circuit...165,129

Salaries and expenses of
Supernumerary District
Attorneys.....1,771,049

For use in the District
Attorney's Office of the fol-
lowing Judicial Circuits:

1st Judicial Circuit208,283

2nd Judicial Circuit...215,003

3rd Judicial Circuit....296,162

4th Judicial Circuit....547,959

5th Judicial Circuit....517,736

6th Judicial Circuit....498,708

7th Judicial Circuit....387,323

8th Judicial Circuit....266,415

9th Judicial Circuit....252,078

10th Judicial Circuit..758,724

11th Judicial Circuit..199,379

12th Judicial Circuit..430,933

13th Judicial Circuit..	586,484
14th Judicial Circuit..	235,353
15th Judicial Circuit..	612,436
16th Judicial Circuit..	368,794
17th Judicial Circuit..	220,340
18th Judicial Circuit..	450,467
19th Judicial Circuit..	305,377
20th Judicial Circuit..	399,601
21st Judicial Circuit ..	255,483
22nd Judicial Circuit...	281,262
23rd Judicial Circuit..	586,203
24th Judicial Circuit..	225,927
25th Judicial Circuit..	241,269
26th Judicial Circuit..	354,635
27th Judicial Circuit..	260,170
28th Judicial Circuit..	359,211
29th Judicial Circuit..	400,534
30th Judicial Circuit..	315,836
31st Judicial Circuit ..	197,413
32nd Judicial Circuit ..	274,126
33rd Judicial Circuit..	223,727
34th Judicial Circuit..	168,202
35th Judicial Circuit..	233,247
36th Judicial Circuit..	159,155
37th Judicial Circuit...	296,770
38th Judicial Circuit..	257,136
39th Judicial Circuit..	211,930
40th Judicial Circuit..	178,301
Travel Expenses of District Attorneys.....	60,176
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975	166,885

SOURCE OF FUNDS:

(1) State General Fund.....	19,058,287
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Total District Attorneys	19,058,287	19,058,287
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In addition to the above appropriation to the District Attorneys, there is hereby appropriated \$500,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

43. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Program

7,622,357

(b) Planning Program

79,682,280

Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions; \$50,000 shall be spent for the Alabama Council of Economic Education; \$60,000 shall be spent for an Energy Management Pilot Program at the University of Montevallo; \$50,000 shall be spent for the Waste Reduction and Technology Transfer Foundation; \$500,000 shall be spent on the Small Business Incubator Program; at least \$800,000 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore counties

and \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Winston and Marion Counties. It is the intent of the Legislature that the above allocations to the Community Action Agencies shall be in addition to all federal funds to which those agencies are normally entitled. Of the above appropriation, the amount of \$140,000 shall be used for the Ft. McClellan Reuse and Redevelopment Authority. Of the above appropriation, \$50,000 shall be transferred to the Tennessee River Valley Association; \$50,000 shall be transferred to Troy State University for a science outreach program with area high schools; \$537,000 shall be expended by the Small Business Development Consortium; \$150,000 shall be transferred to the Industrial Development Board in the City of Cullman. In addition to the above appropriation, there is hereby appropriated \$960,000 to ADECA for the Community Action Agencies from the State General Fund to be conditioned upon the availability of funds and the approval of the Governor.

(c) Skills Enhancement and Employment Opportunities Program	54,836,255
(d) Energy Management Program	5,713,568
(e) Law Enforcement Planning Program	14,328,997

(f) Surplus Property Program.....	4,477,372
(g) Economic Development Regional Revolving Loan Policy Committee.....	250,000
To be utilized pursuant to Act 90-650.	
(h) PALS/Adopt-a-Mile Pro- gram	150,000
(i) Water Resources Program ..	1,994,673

SOURCE OF FUNDS:

(1) State General Fund.....	13,462,822		
(2) Federal and Local Funds ...		144,421,764	
(3) Administrative Transfers and Other Departmental Receipts		7,194,900	
(4) Administrative Transfers from Federal-Donated Surplus Property Sales, Estimated		3,644,150	
(5) Administrative Transfers from State-Owned Surplus Property Sales, Estimated ...		331,866	
Total Alabama Department of Economic and Community Affairs.....	<u>13,462,822</u>	<u>155,592,680</u>	<u>169,055,502</u>

The appropriation of \$13,462,822 from the State General Fund is conditioned upon the Department certifying in writing to the Chairman of Ways and Means, Chairman of Economic Expansion and Trade, Finance Director, the State Comptroller and the Legislative Fiscal Officer that those items specifically designated under the Planning Program above, excluding the conditional appropriation, will be fully funded during FY 1997-98 from the State General Fund.

44. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	185,000
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SOURCE OF FUNDS:

(1) Alabama Board of Electrical Contractors Fund.....	185,000
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As provided in Section 34-36-17,
Code of Alabama 1975.

Total Board of Electrical Contractors	185,000	185,000
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45. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program	20,989
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SOURCE OF FUNDS:

(1) State General Fund.....	20,989
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Total Elk River Development Agency	20,989	20,989
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46. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program.....	21,066,275
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Of the above appropriation, \$25,000 shall be expended for early warning weather sirens at Moore's Mill; \$25,000 shall be expended for early warning weather sirens in Madison County; and \$25,000 shall be expended for early warning weather sirens in Limestone County.

(b) Transfer to County Emergency Management Agencies ..	276,675
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The above appropriation of \$276,675 is in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,297,181		
(2) Federal and Local Funds ..		20,045,769	
Total Emergency Manage- ment Agency	1,297,181	20,045,769	21,342,950

47. ENERGY BOARD, SOUTH-
ERN STATES:

(a) Discovery and Develop- ment of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			21,511
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SOURCE OF FUNDS:

(1) State General Fund.....	21,511		
Total Southern States Energy Board	21,511		21,511

48. ENGINEERS AND LAND
SURVEYORS, STATE
BOARD OF REGISTRATION
FOR PROFESSIONAL:

(a) Professional and Occupa- tional Licensing and Regula- tion Program			754,791
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SOURCE OF FUNDS:

(1) Professional Engineers Fund	754,791		
As provided in Section 34-11-36. Code of Alabama 1975.			
Total State Board of Regis- tration for Professional Eng- ineers and Land Surveyors		754,791	754,791

49. ENVIRONMENTAL MAN-
AGEMENT, DEPARTMENT
OF:

(a) Environmental Manage- ment Program			81,072,635
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Of the above appropriation,
\$100,000 shall be expended by
the Water Division for Water

and Wastewater Training at the Alabama Water and Wastewater Institute for water and wastewater operators training and/or educational seminar; and \$90,000 shall be expended by the Coastal Erosion Task Force.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	3,945,614
(2) State General Fund-Transfer to Water Pollution Control Authority	725,335
(3) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	36,042
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975	
(4) State General Fund-Transfer to Pollution Control Grant Fund	72,790
(5) Environmental Management Fines and Fees.....	12,203,014
As provided in Section 22-22A-11, Code of Alabama 1975.	
(6) Federal Funds	16,061,615
(7) Federal Match-Water Pollution Control Authority	11,000,000
(8) Federal Match-Public Water State Revolving Fund	21,024,400
(9) Federal Funds-Pollution Control Grant	1,455,800
(10) Transfer from Underground and Aboveground Storage Tank Trust Fund.....	705,000
As provided in Section 22-35-9, Code of Alabama 1975.	

(11) Underground and Above-ground Storage Tank Trust Fund	10,705,000		
As provided in Section 22-35-5, Code of Alabama 1975.			
(12) Environmental Education Fund.....	890,000		
In accordance with Section 32-6-156.1, Code of Alabama 1975. To be expended through Legacy, Inc. only.			
(13) Hazardous Substance Cleanup Fund	307,500		
In accordance with Sections 22-30A-3 through 22-30A-11, Code of Alabama 1975.			
(14) SRF Administrative Fees..	1,940,525		
In accordance with Section 22-34-3, Code of Alabama 1975.			
Total Department of Environmental Management	4,779,781	76,292,854	81,072,635
In addition to the above appropriation, there is hereby appropriated \$2,811,760 from the State General Fund to the Public Water State Revolving Fund to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.			
50. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			939,278
SOURCE OF FUNDS:			
(1) State General Fund.....	939,278		
Total Alabama Ethics Commission	939,278		939,278
51. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program.....			224,202

(b) Capital Outlay Program ..				100,000
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SOURCE OF FUNDS:

(1) State General Fund.....	134,698			
(2) Farmers' Market Authority Fund.....		189,504		
Total Farmers' Market Authority				
	134,698	189,504		324,202

52. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program		6,556,844		
(b) Administrative Support Services Program.....		64,211,587		
(c) Capital Outlay Program...		800,000		

SOURCE OF FUNDS:

(1) State General Fund	8,472,465			
(2) Miscellaneous Funds, Estimated		234,000		
(3) Capitol Complex Revolving Fund		8,423,339		
(4) Data Center Revolving Fund		30,643,71		
(5) Mail and Supply Revolving Fund		7,555,791		
(6) Motor Pool Revolving Fund		2,292,786		
(7) Printing and Publications Revolving Fund		8,949,879		
(8) State Insurance Fund-Administration.....		1,415,078		
As provided in Sections 41-15-1, et seq., Code of Alabama 1975.				
(9) General Liability Trust Fund-Administration		783,423		
As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.				
(10) Employee Injury Compensation Trust Fund-Administration		798,499		

As provided in Sections 36-29A-1, et seq., Code of Alabama 1975.

(11) Accounting and Administration Fund		2,000,000	
Total Department of Finance	8,472,465	63,095,966	71,568,431

In addition to the above appropriation, there is hereby conditionally appropriated \$4,000,000 to the Department of Finance from the State General Fund to upgrade computers for the Year 2000 conversion, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance, and the approval of the Governor.

53. FINANCE, DEPARTMENT OF-TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....	23,343,965
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,270,198		
(2) Telephone Revolving Fund, Estimated		22,073,767	
Total Department of Finance-Telephone Revolving Fund ..	1,270,198	22,073,767	23,343,965

54. FLEXIBLE EMPLOYEES BENEFIT BOARD:

(a) Employee Benefits Program, Estimated	350,880
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In accordance with Sections 36-29-20 through 36-29-30, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) Flexible Employees Benefit Board Fund, Estimated	350,880
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Total Flexible Employees Benefit Board.....	350,880	350,880
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55. FOREIGN TRADE RELATIONS COMMISSION:

(a) Special Services Program		100,334
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SOURCE OF FUNDS:

(1) State General Fund	100,334	
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Total Foreign Trade Relations Commission	100,334	100,334
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56. FORENSIC SCIENCES, DEPARTMENT OF:

(a) Forensic Science Services Program		12,860,364
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SOURCE OF FUNDS:

(1) State General Fund.....	7,037,040	
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(2) Federal and Local Funds...	975,824	
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(3) DNA Fund.....	1,800,000	
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(4) Forfeited Assets Fund	7,500	
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(5) Forensic Services Fund....	640,000	
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As provided in Sections 36-18-6 through 36-18-8, Code of Alabama 1975.

(6) Chemical Test Fund	2,400,000	
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As provided in Sections 36-18-51 and 32-5A-191, Code of Alabama 1975.

Total Department of Forensic Sciences	7,037,040	5,823,324	12,860,364
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57. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program		100,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund	100,000	
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As provided in Section 34-12-36, Code of Alabama 1975.

Total Alabama State Board of Registration for Foresters	100,000	100,000
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58. FORESTRY COMMISSION, ALABAMA:

(a) Forest Resources Protection and Development Program	25,374,276
(b) Capital Outlay Program ..	880,000

SOURCE OF FUNDS:

(1) State General Fund- Transfer.....	11,967,999		
(2) Federal and Local Funds.....		4,343,177	
(3) Forest Stewardship Educa- tion Fund.....		500,000	
(4) Forestry Commission Fund..		9,443,100	
Total Alabama Forestry Com- mission	11,967,999	14,286,277	26,254,276

Of the above appropriation to the Alabama Forestry Commission, \$2,311,017 shall be used for rural and community fire protection. All monies received by the Forestry Commission for Volunteer Fire Departments or Rural Fire Protection, from whatever source, must be used for those purposes and an accounting of same shall be filed with both houses of the Legislature before the third legislative day of each regular session. A plan to notify legislators of the funds to be granted to the Volunteer Fire Departments, prior to the distribution of such funds, shall also be filed with both houses of the Legislature.

59. FOREVER WILD LAND TRUST, BOARD OF:

(a) Capital Outlay Program	3,060,131
(b) Administration Program...	2,616,350

Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account, in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

SOURCE OF FUNDS:

(1) Forever Wild Land Trust Fund	5,576,481	
(2) Forever Wild Land Trust Stewardship Account, Estimated.....	100,000	
Total Board of Forever Wild Land Trust	5,676,481	5,676,481

The above appropriation is in accordance with the Constitutional Amendment No. 543, adopted pursuant to Act 91-219.

60. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	166,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	166,000	
As provided in Section 34-13-23, Code of Alabama 1975.		
Total Alabama Board of Funeral Service	166,000	166,000

61. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	3,377,662
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SOURCE OF FUNDS:

(1) State General Fund.....	1,991,264		
(2) Federal and Local Funds...		1,386,398	
Total Geological Survey.....	1,991,264	1,386,398	3,377,662

In addition to the above appropriation to the Geological Survey, there is hereby appropriated \$225,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

62. GEOLOGISTS, ALABAMA BOARD OF LICENSURE FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program	212,000
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SOURCE OF FUNDS:

(1) Alabama Board of Licensure for Professional Geologists Fund	212,000
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As provided in Section 34-41-6, Code of Alabama 1975.

Total Alabama Board of Licensure for Professional Geologists	212,000	212,000
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63. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	3,505
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SOURCE OF FUNDS:

(1) State General Fund.....	3,505
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	3,505	3,505
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64. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program	387,500
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SOURCE OF FUNDS:

(1) State General Fund.....	387,500	
Total Governor's Contingency Fund	387,500	387,500

In addition to the above appropriation to the

Governor's Contingency Fund, there is hereby conditionally appropriated \$300,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

65. GOVERNOR'S MANSION:

(a) Executive Direction Program	401,798
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SOURCE OF FUNDS:

(1) State General Fund	401,798	
Total Governor's Mansion.....	401,798	401,798

66. GOVERNOR'S MANSION
ADVISORY BOARD:

(a) Historical Resources Management Program	6,111
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SOURCE OF FUNDS:

(1) State General Fund	6,111	
Total Governor's Mansion Advisory Board	6,111	6,111

67. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	2,823,483
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SOURCE OF FUNDS:

(1) State General Fund.....	2,823,483	
Total Governor's Office.....	2,823,483	2,823,483

In addition to the above appropriation to Governor's Office, there is hereby conditionally appropriated \$1,000,000 for Children's Tobacco Abuse and

Control Programs to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and approval of the Governor.

**68. GOVERNOR'S OFFICE
ON NATIONAL AND COM-
MUNITY SERVICE:**

(a) Executive Direction Program	270,994
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	93,747		
(2) Federal Funds		177,247	
<hr/>			
Total Governor's Office on National and Community Service	93,747	177,247	270,994
	<hr/>		

In addition to the above appropriation to the Governor's Office on National and Community Service, there is hereby conditionally appropriated \$125,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**69. HEALTH, DEPARTMENT
OF PUBLIC:**

(a) Personal Health Services Program	130,421,525
(b) Health Support Services Program.....	213,511,177

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remainder shall be allocated to the counties on the

basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program	21,983,396
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Of the above appropriation, \$350,000 shall be expended for the regulation of children's access to tobacco in accordance with Act 97-423.

(d) Abstinence Education Programs.....	300,000
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(e) Children's Health Assistance Program (CHAP)	23,281,804
---	------------

Of the above appropriation for the Children's Health Assistance Program, any State General Fund money unexpended at the end of the fiscal year ending September 30, 1998 shall be carried over and used for the Children's Health Assistance Program and shall not be subject to reversion under the provisions of the Budget Management Act. In addition to the above appropriation to CHAP, there is hereby appropriated from the State General Fund \$10,000,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

SOURCE OF FUNDS:

(1) State General Fund.....	38,085,347	
(2) State General Fund-State Matching Funds for CHAP Program.....	5,000,000	
(3) Cigarette Tax-\$0.01 and \$0.02		1,600,000

As provided in Sections 40-25-2 and 40-25-23, Code of Alabama 1975.

(4) Vital Statistics Fund	3,500,000		
(5) Hospital Licensing Fund..	650,000		
(6) Emergency Medical Services Fund	115,000		
As provided in Section 22-18-4, Code of Alabama 1975.			
(7) Local Health Departments..	131,105,729		
(8) Milk Processing Fee	45,000		
In accordance with Sections 20-1-140 through 20-i-146, Code of Alabama 1975.			
(9) Radiation Safety Fund	1,000,000		
(10) Miscellaneous Funds.....	22,369,811		
(11) Federal Fund CHAP Program	18,281,804		
(12) Federal Funds	131,170,608		
(13) Alabama Legacy for Environmental Research Trust Fund	574,603		
As provided in Section 22-30B-19, Code of Alabama 1975.			
(14) Health-Medicaid Fund...	36,000,000		
Total Department of Public Health.....	43,085,347	346,112,555	389,497,902

Of the above appropriation to the Department of Public Health, at least 52,000,000 shall be spent on perinatal activities. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health

Department costs as a result of federal or state audit. In addition to the above appropriation to the Department of Public Health, there is hereby conditionally appropriated \$510,794 for Pregnancy Prevention/Sex Abstinence Programs to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

70. HEALTH PLANNING AGENCY, STATE:

(a) Health Planning Development and Regulation Program	1,725,000
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The above appropriation includes a transfer of \$700,000 to the State General Fund to be made in quarterly installments.

SOURCE OF FUNDS:

(1) Certificate of Need Fees	1,600,000	
(2) Departmental Receipts	125,000	
Total State Health Planning Agency	1,725,000	1,725,000

71. HEARING INSTRUMENT DEALERS, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	54,000
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SOURCE OF FUNDS:

(1) Hearing Instrument Dealers Fund	54,000	
As provided in Section 34-14-33, Code of Alabama 1975.		
Total Alabama Board of Hearing Instrument Dealers	54,000	54,000

**72. HEATING AND AIR
CONDITIONING CON-
TRACTORS, BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regula- tion Program	459,000
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SOURCE OF FUNDS:

(1) Heating and Air Condi- tioning Contractors Fund.....	459,000
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As provided in Sections
34-31-18 through 34-31-34,
Code of Alabama 1975.

Total Board of Heating and Air Conditioning Contractors	459,000	459,000
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**73. HERITAGE TRUST
FUND, ALABAMA:**

(a) Fiscal Management Pro- gram	20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund.....	20,000	20,000

**74. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Man- agement Program	350,000
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SOURCE OF FUNDS:

(1) State General Fund	350,000	
Total Historic Blakeley Au- thority.....	350,000	350,000

The funds hereby appropri-
ated are to be expended only
for grants, projects, and/or
any other legal purposes in
the State of Alabama.

**75. HISTORIC CHATTA-
HOOCHEE COMMISSION:**

(a) Historical Resources Man- agement Program	118,180
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SOURCE OF FUNDS:

(1) State General Fund.....	118,180	
Total Historic Chattahoochee Commission.....	118,180	118,180

76. HISTORIC IRONWORKS COMMISSION:

(a) Historical Resources Management Program.....		386,057
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SOURCE OF FUNDS:

(1) State General Fund	386,057	
Total Historic Ironworks Commission.....	386,057	386,057

77. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		5,583,521
(b) Capital Outlay Program ..		160,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	3,883,177	
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The above appropriation shall be distributed as follows:

Historical Commission,
Alabama3,383,177

Historical Commission,
Alabama-Constitution
Hall Village-Capital
Outlay500,000

(2) Soldiers Fund.....	369,794	
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As provided in Section 40-8-3,
Code of Alabama 1975.

(3) Alabama State Historical Preservation Fund-Departmental Receipts	965,550	
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(4) Federal and Local Funds...	525,000	
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Total Alabama Historical Commission	3,883,177	1,860,344	5,743,521
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78. HOME BUILDERS LICENSURE BOARD:

(a) Professional and Occupational Licensing and Regulation Program	1,534,525
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SOURCE OF FUNDS:

(1) Home Builders Licensure Board Fund	1,034,525
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In accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.

(2) Home Builders Licensure Board Recovery Fund.....	500,000
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Total Home Builders Licensure Board	1,534,525	1,534,525
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79. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program	460,369,593
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Of the above appropriation, \$100,000 shall be allocated for Brantwood Children's Home in Montgomery; \$25,000 shall be allocated for the Alabama Foster Care Association; and \$50,000 shall be allocated for the Harris Home for Children. It is the intent of the Legislature that the Department provide adequate funding for therapeutic foster care and residential care facilities. Of the above appropriation, at least \$2.4 million shall be expended for Before and After School Care programs; at least \$7 million shall be expended for therapeutic foster care; and at least \$300,000 shall be expended for Adult Day Care at the Family Guidance Center. Of the above appropriation, \$200,000 shall be expended for the Circle of

Care. Allotments to the county departments based on the counties' populations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. Child care providers shall be reimbursed for child care services at their published rate for the particular category of care or at the 75th percentile of the local market rate, whichever is less. The local market rate shall be established on a biennial basis based on a representative sample of licensed child care providers.

(b) Foster Families Enhancement Program.....	1,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	39,273,711
(2) Federal and Local Funds.....	310,349,269
(3) Whiskey Tax.....	21,800,000
(4) Beer Tax	9,400,000
(5) Pension Residue.....	20,773,500
(6) Sales Tax	1,322,000
(7) Sales Tax for Foster Care.....	1,000,000
(8) Franchise Tax	19,500,000
(9) Child Support Collections.....	6,343,113
(10) Sales Tax for Food Stamps, Estimated	23,400,000
In accordance with Section 40-23-35, Code of Alabama 1975.	
(11) Cigarette Tax	4,000,000
(12) Contractor's Gross Receipts Tax	2,700,000
(13) Foster Care Trust Fund ...	100,000

(14) Child Support Interest and Fees	480,000		
(15) Miscellaneous Receipts ..	928,000		
Total Department of Human Resources	39,273,711	422,095,882	461,369,593

In addition to the above appropriation to the Department of Human Resources, there is hereby conditionally appropriated \$9,189,206 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. This conditional appropriation shall be allocated as follows: \$4,000,000 for Foster Families Enhancement, \$3,000,000 for Residential Foster Homes and \$2,189,206 for Adoption Services Enhancement/Outsourcing.

80. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program	286,000
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	200,000		
(2) Federal and Local Funds...		86,000	
Total Alabama Indian Affairs Commission	200,000	86,000	286,000

81. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program	350,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	350,000
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Total State Industrial Development Authority.....	350,000	350,000
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82. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Employment Security Program.....	44,949,937
(b) Industrial Safety and Accident Prevention Program.....	5,885,674
(c) Administrative Services Program.....	16,646,633
(d) Workers' Compensation Program.....	5,033,059
(e) Capital Outlay Program...	600,000

SOURCE OF FUNDS:

(1) State General Fund	711,900
(2) Federal and Local Funds.....	72,403,403
Total Department of Industrial Relations	711,900 72,403,403 73,115,303

83. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	8,536,010
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SOURCE OF FUNDS:

(1) Fire Marshal's Fund	225,200
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As provided in Sections 34-33-11, 8-17-211, and 8-17-255, Code of Alabama 1975.

(2) Insurance Agents and Brokers Continuing Education Fund.....	791,906
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As provided in Section 27-2-39, Code of Alabama 1975.

(3) Examination Revolving Fund	4,093,799
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(4) Insurance Department Fund	3,425,105
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As provided in Section 27-8A-10, Code of Alabama 1975.

Total Department of Insurance	8,536,010	8,536,010
84. INSURANCE BOARD, STATE EMPLOYEES':		
(a) Administrative Support Services Program.....		1,351,100
SOURCE OF FUNDS:		
(1) State Employees' Insur- ance Board Expense Fund.....	1,351,100	
Total State Employees' Insur- ance Board.....	1,351,100	1,351,100
85. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		29,500
SOURCE OF FUNDS:		
(1) Interior Designer Fund.....	29,500	
As provided in Section 34-15A-7, Code of Alabama 1975.		
Total Alabama State Board of Registration for Interior Designers.....	29,500	29,500
86. LABOR, DEPARTMENT OF:		
(a) Regulatory Services Pro- gram.....		306,319
SOURCE OF FUNDS:		
(1) State General Fund.....	306,319	
Total Department of Labor	306,319	306,319
87. LANDSCAPE ARCHI- TECTS, BOARD OF EXAM- INERS OF:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		52,677

SOURCE OF FUNDS:

(1) Landscape Architect's Fund	52,677	
As provided in Section 34-17-6, Code of Alabama 1975.		
Total Board of Examiners of Landscape Architects	52,677	52,677

88. LIEUTENANT GOVERNOR, OFFICE OF THE:

(a) Legislative Operations and Support Program		623,400
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SOURCE OF FUNDS:

(1) State General Fund	623,400	
Total Office of the Lieutenant Governor	623,400	623,400

89. LIQUEFIED PETROLEUM GAS BOARD:

(a) Regulatory Services Program		634,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	544,000	
(2) Liquefied Petroleum Gas Research and Education Fund	90,000	
Total Liquefied Petroleum Gas Board	634,000	634,000

90. LIVESTOCK MARKET BOARD, ALABAMA PUBLIC:

(a) Agricultural Development Service Program		3,500
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SOURCE OF FUNDS:

(1) Alabama Public Livestock Market Fund	3,500	
In accordance with Sections 2-15-115 through 2-15-127, Code of Alabama 1975.		
Total Alabama Public Live- stock Market Board	3,500	3,500

91. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program.....	1,803,086
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	1,803,086
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As provided in Section 24-6-4, Code of Alabama 1975.

Total Alabama Manufactured Housing Commission	1,803,086	1,803,086
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92. MASSAGE THERAPY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	85,500
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SOURCE OF FUNDS:

(1) Alabama Board of Massage Therapy Fund	85,500
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As provided in Section 34-43-14, Code of Alabama 1975.

Total Alabama Board of Massage Therapy	85,500	85,500
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93. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance through Medicaid Program	2,288,379,559
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The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund.....	195,677,102
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(2) Transfer from Department of Human Resources	10,834,560
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(3) Transfer from Department of Mental Health and Mental Retardation.....	76,436,211		
(4) Transfer from Commission on Aging.....	3,168,000		
(5) Transfer from Department of Public Health	13,176,167		
(6) Transfer from Department of Youth Services	126,720		
(7) Transfer from Department of Rehabilitation Services.....	2,217,600		
(8) Public Hospitals Transfer.....	356,729,385		
(9) Departmental Receipts.....	2,500,000		
(10) Federal and Local Funds.....	1,585,541,170		
(11) Alabama Health Care Trust Fund	29,500,000		
(12) Transfer from University of Alabama in Birmingham..	920,400		
(13) Drug Rebates	11,481,407		
(14) Unencumbered Balance Brought Forward	70,837		
Total Alabama Medicaid Agency	195,677,102	2,092,702,457	2,288,379,559

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation, there is hereby conditionally appropriated \$15,000,000 to the Alabama Medicaid Agency from the State General Fund, to be conditioned upon the availability of funds in the State General Fund, the

recommendation of the Director of Finance, and the approval of the Governor. \$5,000,000 of this conditional appropriation shall be the first priority conditional and shall be released in full before any other conditionals from the State General Fund may be released.

94. MEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program	13,505
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SOURCE OF FUNDS:

(1) State General Fund	13,505	
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Total Alabama Men's Hall of Fame	13,505	13,505
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95. MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF:

(a) Mental Illness Program	190,367,145
(b) Mental Retardation Program	141,616,399
(c) Administrative Services Program	14,563,565

Of the above appropriation, \$50,000 shall be allocated to Camp Parlow.

(d) Substance Abuse Program	28,464,395
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In addition to funding grants received by the Council on Substance Abuse-NCADD, \$50,000 shall be allocated to the Council for its substance abuse hotline.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	68,801,951
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(2) Special Mental Health Trust Fund.....	110,702,338		
For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.			
(3) Cigarette Tax.....	1,600,000		
(4) Departmental Receipts	2,000,000		
(5) Indigent Offender Alcohol/Drug Treatment Fund.....	154,500		
(6) Federal and Local Funds.....	191,752,715		
Total Department of Mental Health and Mental Retardation.....	68,801,951	306,209,553	375,011,504

Of the above appropriations for Mental Illness Services and Substance Abuse Services, funds shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19).

Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds. In addition to the above appropriation to the Department of Mental Health and Mental Retardation, there is hereby conditionally appropriated \$1,000,000 for Crisis Services/Treatment for Children and Families to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

96. MILITARY DEPARTMENT:

(a) Military Operations Program	4,799,718
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SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,325,215	
(2) State General Fund-Quarterly Allowances Headquarters	1,450,000	
(3) State General Fund-Active Military Service	7,500	
(4) State General Fund-Transfer to Armory Commission ...	1,996,003	
(5) State General Fund-Dropping Allowance	1,000	
(6) State General Fund-State Defense Force	20,000	
Total Military Department	4,799,718	4,799,718

97. MILITARY DEPARTMENT - ARMORY COMMISSION OF ALABAMA:

(a) Military Operations Program.....	8,881,909
(b) Capital Outlay Program.....	4,571,000

SOURCE OF FUNDS:

(1) Transfer from Military Department.....	1,996,003
(2) Federal and Local Funds.....	11,325,397
(3) Military Department Billeting Revolving Fund, Estimated.....	91,509
(4) Departmental Receipts.....	40,000

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund.

Total Armory Commission of Alabama	13,452,909	13,452,909
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98. MOTOR SPORTS HALL OF FAME:

(a) Historical Resources Management Program.....	131,522
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SOURCE OF FUNDS:

(1) State General Fund.....	131,522
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Total Motor Sports Hall of Fame.....	131,522	131,522
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99. MUSIC HALL OF FAME,
ALABAMA:

(a) Fine Arts Program 220,559

SOURCE OF FUNDS:

(1) State General Fund..... 220,559

Total Alabama Music Hall of
Fame 220,559 220,559

100. NURSING, ALABAMA
BOARD OF:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 2,626,790

SOURCE OF FUNDS:

(1) Alabama Board of Nursing
Trust Fund 2,626,790

As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of
Nursing..... 2,626,790 2,626,790

101. NURSING HOME AD-
MINISTRATORS, BOARD
OF EXAMINERS OF:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 88,000

SOURCE OF FUNDS:

(1) Board of Examiners of
Nursing Home Administra-
tors Fund 88,000

As provided in Section 34-20-7,
Code of Alabama 1975.

Total Board of Examiners of
Nursing Home Administrators 88,000 88,000

102. OCCUPATIONAL THER-
APY, ALABAMA STATE
BOARD OF:

(a) Professional and Occupa-
tional Licensing and Regula-
tion Program 100,000

SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	100,000		
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As provided in Section 34-39-6,
Code of Alabama 1975.

Total Alabama State Board of Occupational Therapy	100,000	100,000	
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103. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program.....			2,116,972
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SOURCE OF FUNDS:

(1) State General Fund.....	1,964,972		
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(2) Oil and Gas Board Special Fund	132,000		
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(3) Surety Bond Deposits, Estimated.....	20,000		
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In accordance with Section
9-17-6, Code of Alabama 1975.

Total Oil and Gas Board	1,964,972	152,000	2,116,972
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In addition to the above appropriation to the oil and Gas Board, there is hereby appropriated \$235,100 from the State General Fund to be conditioned upon the availability of funds, the recommendation of the Director of Finance and the approval of the Governor.

104. PARDONS AND PAROLES. BOARD OF:

(a) Administration of Pardons and Paroles Program			17,007,465
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SOURCE OF FUNDS:

(1) State General Fund.....	13,330,980		
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(2) Probationers Upkeep Fund	3,540,000		
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In accordance with Section
15-22-2, Code of Alabama
1975.

(3) Local Funds.....	136,485		
Total Board of Pardons and Paroles.....	13,330,980	3,676,485	17,007,465

In addition to the above appropriation to the Board of Pardons and Paroles, there is hereby conditionally appropriated \$1,000,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

105. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program	414,253
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund.....	414,253
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund	414,253	414,253
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106. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Services Program.....	6,002,647
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy	644
(2) Department of Aeronautics	572
(3) Commission on Aging.....	2,574
(4) Agricultural and Conservation Development Commission..	72

(5) Agricultural Center Board	3,396
(6) Agricultural Museum Board....	72
(7) Department of Agriculture and Industries.....	53,125
(8) Alcoholic Beverage Control Board.....	113,399
(9) Board of Registration for Architects	215
(10) Archives and History	6,793
(11) State Council on the Arts ..	2,646
(12) Attorney General's Office	23,881
(13) Board of Auctioneers	72
(14) State Auditor	2,503
(15) State Banking Department	7,794
(16) Building Commission	3,218
(17) Alabama Building Renovation Finance Authority ...	14,872
(18) Child Abuse and Neglect Prevention Board	1,144
(19) Chiropractic Examiners ...	215
(20) Choctawhatchee, Pea and Yellow Rivers Watershed.....	143
(21) Department of Conservation and Natural Resources..	228,228
(22) State Licensing Board for General Contractors	787
(23) Department of Corrections.....	439,797
(24) Board of Cosmetology	1,788
(25) Board of Counseling Examiners.....	72
(26) Credit Union Administration	930
(27) Alabama Crime Victims Compensation Commission	3,075
(28) Criminal Justice Information Center	7,365

(29) Alabama Development Office.....	5,935
(30) State Docks.....	54,054
(31) Department of Economic and Community Affairs.....	46,404
(32) Department of Education..	95,810
(33) Educational Television Commission.....	9,581
(34) Electrical Contractors Board.....	72
(35) Emergency Management Agency	7,722
(36) Employees' Insurance Board.....	2,145
(37) Board of Registration for Professional Engineers and Land Surveyors.....	858
(38) Department of Environmental Management	64,279
(39) Ethics Commission.....	2,145
(40) Examiners of Public Accounts.....	35,107
(41) Farmers' Market Authority.....	286
(42) Finance, Department of.....	75,790
(43) Foreign Trade Relations Commission.....	143
(44) Department of Forensic Sciences.....	19,663
(45) Forestry Commission	56,342
(46) Funeral Service Board ...	215
(47) Geological Survey.....	7,579
(48) Governor's Office	4,719
(49) Department of Public Health	789,932
(50) State Health Planning Agency	1,788

(51) Board of Heating and Air Conditioning Contractors	501
(52) Alabama Historical Commission	11,512
(53) Home Builders Licensure Board	1,931
(54) Department of Human Resources	596,167
(55) Alabama Indian Affairs Commission.....	644
(56) Department of Industrial Relations	232,375
(57) Insurance Department...	12,012
(58) International Airport Authority.....	72
(59) Judicial Inquiry Commission	358
(60) Department of Labor.....	858
(61) Legislative Reference Service.....	143
(62) Liquefied Petroleum Gas Board	1,216
(63) Manufactured Housing Commission.....	2,646
(64) Alabama Medicaid Agency..	76,863
(65) Department of Mental Health and Mental Retardation.....	543,758
(66) Military Department.....	30,030
(67) Board of Nursing	3,933
(68) Board of Examiners of Nursing Home Administrators.....	72
(69) Board of Occupational Therapy.....	72
(70) Oil and Gas Board.....	5,077
(71) Pardons and Paroles	52,982
(72) Peace Officers' Annuity and Benefit Fund.....	501

(73) Peace Officers' Standards and Training Commission	930
(74) Physical Fitness Com- mission	715
(75) Board of Physical Therapy ..	215
(76) Plumbers and Gas Fitters Examiners Board.....	2,145
(77) Public Education Em- ployees' Insurance Board	1,859
(78) Public Library Service.....	7,651
(79) Department of Public Safety	171,243
(80) Public Service Commis- sion	18,590
(81) Real Estate Appraisers Board	1,073
(82) Real Estate Commission...	3,075
(83) Rehabilitation Services, Department of.....	113,828
(84) Retirement Systems	27,170
(85) Department of Revenue...	202,417
(86) Secretary of State	6,006
(87) Securities Commission...	3,861
(88) Board of Social Work Examiners	358
(89) Soil and Water Conserva- tion Committee.....	501
(90) Surface Mining Commis- sion	4,648
(91) Bureau of Tourism and Travel	10,654
(92) Department of Trans- portation.....	612,898
(93) State Treasurer	7,222
(94) Department of Veterans' Affairs.....	9,152
(95) Board of Veterinary Medi- cal Examiners	72

(96) Voter Registration	358	
(97) Department of Youth Services	94,523	
(98) Human Resources-Con- tract Team	94,553	
(99) Public Health-Contract Team	289,072	
(100) Transportation-Con- tract Team	424,513	
(101) Rehabilitation-Contract Team	119,661	
The appropriations in (98), (99), (100), and (101) are for an estimated amount as agreed upon by State Personnel Department and said depart- ments for model work teams.		
Total State Personnel Depart- ment	6,002,647	6,002,647
107. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		248,165
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	248,165	
As provided in Section 34-24-195, Code of Alabama 1975.		
Total Board of Physical Therapy	248,165	248,165
108. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:		
(a) Professional and Occupa- tional Licensing and Regula- tion Program		1,500,000
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners Fund	1,500,000	

As provided in Section 34-37-5,
Code of Alabama 1975.

Total Alabama Plumbers and Gas Fitters Examining Board	1,500,000	1,500,000
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109. POLYGRAPH EXAM-
INERS, BOARD OF:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	20,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Exam- iners Fund	20,000
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As provided in Section 34-25-5,
Code of Alabama 1975.

Total Board of Polygraph Examiners	20,000	20,000
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110. PROSECUTION SER-
VICES, OFFICE OF:

(a) Prosecution, Training, Ed- ucation and Management Program	1,294,552
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SOURCE OF FUNDS:

(1) State General Fund	273,678
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(2) Office of Prosecution Serv- ices Fund	1,020,874
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Total Office of Prosecution Services	273,678	1,020,874	1,294,552
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111. PSYCHOLOGY, ALA-
BAMA BOARD OF EXAM-
INERS IN:

(a) Professional and Occupa- tional Licensing and Regula- tion Program	165,508
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	165,508
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As provided in Section 34-26-43,
Code of Alabama 1975.

Total Alabama Board of Examiners in Psychology	165,508	165,508
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112. PUBLIC SAFETY, DEPARTMENT OF:

(a) Police Services Program	40,223,236
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Of the above appropriation, \$400,000 shall be expended by the Missing and Exploited Children's Unit for child pornography enforcement.

(b) Public Safety Support Services Program.....	19,009,615
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(c) Administrative Services Program	15,638,010
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SOURCE OF FUNDS:

(1) State General Fund.....	57,193,020
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(2) Transfer from Public Road and Bridge Fund-Act 91-797	3,500,000
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Notwithstanding the provisions of Act 91-979, the above transfer from the Public Road and Bridge Fund may be expended for the enforcement of state traffic and motor vehicle laws.

(3) Federal and Local Funds.	4,311,984
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(4) Automated Fingerprint Identification System Fund.....	2,598,857
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In accordance with Sections 12-19-180 and 32-2-61, Code of Alabama 1975.

(5) Public Safety Law Enforcement Fund.....	5,300,000
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In accordance with Section 32-6-5, Code of Alabama 1975.

(6) Drug Offenders Reinstatement Fund	100,000
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(7) Commercial Driver's License Fees.....	767,000
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In accordance with Section
32-5-313, Code of Alabama
1975.

(8) Public Safety Motor Vehicle Replacement Fund.....	1,000,000
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In accordance with Sections
32-2-80 through 32-2-84,
Code of Alabama 1975.

(9) Boat Driver License.....	100,000
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In accordance with Sections
33-5-53(f) through 33-5-55,
Code of Alabama 1975.

Total Department of Public Safety.....	57,193,020	17,677,841	74,870,861
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In addition to the above appropriation to the Department of Public Safety, there is hereby appropriated \$2,000,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

113. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program.....	5,258,359
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(b) Administrative Services Program.....	6,091,641
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The above appropriation includes a transfer to the State General Fund of \$2,273,000 in four equal amounts at the end of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Public Service Commission Fund.....	10,531,509
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The above appropriation to the Alabama Public Service Commission shall be payable only

from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	558,491	
(3) Departmental Receipts	10,000	
(4) Federal and Local Funds	250,000	
Total Public Service Commission	11,350,000	11,350,000

In addition to the above appropriation to the Public Service Commission, there is hereby also appropriated revenues received from audit and court settlements and motor carrier fees in excess of known budgeted amounts in PSC Fund 326 up to a maximum of \$600,000.

114. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	644,521
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund	644,521
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In accordance with Sections 34-27A-1 through 34-27A-29, Code of Alabama 1975.

Total Alabama Real Estate Appraisers Board	644,521	644,521
115. REAL ESTATE COMMISSION, ALABAMA:		
(a) Professional and Occupational Licensing and Regulation Program		2,375,769
SOURCE OF FUNDS:		
(1) Alabama Real Estate Commission Fund	2,375,769	
As provided in Section 34-27-4, Code of Alabama 1975.		
Total Alabama Real Estate Commission.....	2,375,769	2,375,769
116. REHABILITATION SERVICES, DEPARTMENT OF:		
(a) Rehabilitation Services Program		1,911,575
SOURCE OF FUNDS:		
(1) State General Fund-Homebound	1,870,341	
(2) State General Fund-Eye Injury Register	41,234	
Total Department of Rehabilitation Services	1,911,575	1,911,575
117. REVENUE, DEPARTMENT OF:		
(a) State Revenue Administration Program		76,841,301
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	191,301	
As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.		
(2) State General Fund-Board Equalization	76,542	

(3) Transfer from the gross proceeds of Cigarette Tax Collections	1,245,534
As provided in Section 40-25-27, Code of Alabama 1975.	
(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections ...	372,679
(5) Transfer from the proceeds of the Forest Severance Tax Collections.....	137,203
(6) Transfer from the gross proceeds of Gasoline Tax Collections	7,976,945
(7) Transfer from the Income Tax Collections.....	22,342,180
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections	1,637,647
(9) Transfer from the gross proceeds of Motor Vehicle License Collections	1,235,417
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	1,364,494
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	2,222,735
(12) Transfer from the gross proceeds of Sales Tax Collections.....	23,379,971
(13) Transfer from the gross proceeds of the Tobacco Tax Collections	58,827
(14) Transfer from the gross proceeds of Use Tax Collections	2,137,782
(15) Transfer from the gross proceeds of the Utility Tax Collections	4,746,450

(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,216,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Local Funds.....	4,134,511

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue..	267,843	76,573,458	76,841,301
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118. SECRETARY OF STATE:

(a) Administrative Support Services Program	1,882,200
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SOURCE OF FUNDS:

(1) State General Fund.....	819,903
(2) UCC and Farm Indexing Fund	189,503
(3) Home Inspectors Registration Fund.....	50,000

As provided in Section 34-14B-6, Code of Alabama 1975.

(4) Corporations Fund.....	822,794		
Total Secretary of State	819,903	1,062,297	1,882,200

119. SECURITIES COMMISSION:

(a) Regulatory Services Program			3,918,201
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The above appropriation includes a transfer to the State General Fund of \$1,500,000 to be made in four equal amounts at the beginning of each quarter of the fiscal year.

SOURCE OF FUNDS:

(1) Securities Commission Fund.....	2,278,201		
(2) Securities Commission Fund-Transfer to State General Fund.....	1,500,000		
(3) Sale of Checks Fund.....	40,000		
(4) Industrial Revenue Bond Notification Fund.....	100,000		
Total Securities Commission	3,918,201	3,918,201	

120. SENIOR CITIZENS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program.....			15,899
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To be expended in accordance with Sections 41-9-740 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	15,899		
Total Alabama Senior Citizens Hall of Fame	15,899		15,899

121. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			160,387
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	160,387		
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As provided in Section 34-30-6,
Code of Alabama 1975.

Total Alabama State Board of Social Work Examiners	160,387	160,387	
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**122. SOIL AND WATER CON-
SERVATION COMMITTEE,
STATE:**

(a) Water Resource Develop- ment Program		1,765,626	
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(b) Professional and Occupa- tional Licensing and Regula- tion Program		5,000	
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(c) R C and D Program		300,000	
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SOURCE OF FUNDS:

(1) State General Fund.....	1,874,626		
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(2) Soil Classifiers Fund		5,000	
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As provided in Section 34-32-19,
Code of Alabama 1975.

(3) Departmental Receipts.....		191,000	
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Total State Soil and Water Con- servation Committee	1,874,626	196,000	2,070,626
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**123. SOUTHERN GROWTH
POLICIES BOARD:**

(a) Special Services Program		28,943	
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SOURCE OF FUNDS:

(1) State General Fund	28,943		
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Total Southern Growth Policies Board.....	28,943		28,943
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**124. SPEECH PATHOLOGY
AND AUDIOLOGY, ALA-
BAMA BOARD OF EXAM-
INERS FOR:**

(a) Professional and Occupa- tional Licensing and Regula- tion Program		79,300	
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	79,300	
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As provided in Section 34-28A-44, Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology	79,300	79,300
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125. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		170,000
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SOURCE OF FUNDS:

(1) State General Fund	170,000	
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Total Alabama Sports Hall of Fame	170,000	170,000
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126. ST. STEPHENS HISTORICAL COMMISSION:

(a) Historical Resources Management Program		133,825
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(b) Capital Outlay Program		116,175
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SOURCE OF FUNDS:

(1) State General Fund	250,000	
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Total St. Stephens Historical Commission	250,000	250,000
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127. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program		2,688,873
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	372,073	
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(2) Surface Mining Commission-Fees	463,400	
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(3) Federal and Local Funds	1,103,400	
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(4) Bond Forfeiture/Reclamation Projects, Estimated	750,000	
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As provided in Section 9-16-103,
Code of Alabama 1975.

Total Alabama Surface Mining Commission	372,073	2,316,800	2,688,873
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128. TENNESSEE-TOMBIG-
BEE WATERWAY DEVEL-
OPMENT AUTHORITY:

(a) Water Resource Develop- ment Program			103,300
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SOURCE OF FUNDS:

(1) State General Fund	103,300		
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Total Tennessee-Tombigbee Waterway Development Au- thority	103,300		103,300
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129. TENNESSEE VALLEY
EXHIBIT COMMISSION OF
ALABAMA:

(a) Promotional Development Program			348,010
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To be expended in accordance
with Sections 41-9-780 et
seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	114,010		
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(2) Admissions and Conces- sions		234,000	
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Total Tennessee Valley Ex- hibit Commission of Alabama .	114,010	234,000	348,010
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130. TOURISM AND TRAVEL,
BUREAU OF:

(A) Tourism and Travel Pro- motion Program			9,177,112
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Of the above appropriation,
\$500,000 shall be transferred
to the Birmingham Metropoli-
tan Arts Council for the
America's Smithsonian 150th
Anniversary Exhibition.

SOURCE OF FUNDS:

(1) State General Fund	1,536,583		
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(2) Lodgings Tax (\$0.01)	7,640,529		
Receipts collected under the provisions of Sections 40-26-1, et seq., Code of Alabama 1975.			
Total Bureau of Tourism and Travel	1,536,583	7,640,529	9,177,112
131. TRANSPORTATION, DEPARTMENT OF:			
(a) Central Administration Program.....		26,423,063	
(b) Division and District Supervision Program.....		31,185,399	
(c) Operations and Support Services Program		12,328,740	
(d) Maintenance Program.....		199,868,599	
(e) Non-Programmatic Programs.....		8,696,248	
Proposed spending plan for the above (e) includes the following:			
Debt Service.....	4,437,944		
Equipment-Other than Automotive	4,258,304		
(f) Construction-Federal Aid Program.....		520,651,290	
Proposed spending plan for the above (f) includes the following:			
Federal Aid Matching	129,754,329		
Non-Participating Work on Federal Projects.....	1,000,000		
Federal Aid.....	389,896,961		
(g) Construction-State Program.....		25,500,000	
(h) Operations-Land and Buildings Program.....		3,615,482	
(i) Industrial Access Program.....		11,925,000	

(j) Captive County Health Insurance Program	168,480
(k) Transfer to Department of Public Safety, in accordance with Act 91-797	3,500,000
(l) Debt Service, General Obligation Refunding Bonds, 1992 Series A and B.....	22,509,406

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	225,000	
(2) Public Road and Bridge Fund		472,749,746
(3) Public Road and Bridge Fund-for transfer to Department of Public Safety.....		3,500,000
(4) Federal Aid.....		389,896,961

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$4,437,944 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e),

(f), (g), (h), and (i) of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation: (1) the appropriation made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), and (i) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriations were made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation

all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation.....	225,000	866,146,707	866,371,707
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132. TREASURER, STATE:

(a) Fiscal Management Program	7,369,164
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SOURCE OF FUNDS:

(1) State General Fund.....	2,618,195	
(2) Prepaid Affordable College Tuition Fund.....		4,041,594
(3) Unclaimed Property Administrative Fund.....		575,000

As provided in Section 35-12-39, Code of Alabama 1975.

(4) Departmental Receipts	134,375	
Total State Treasurer	2,618,195	4,750,969
		7,369,164

In addition to the above appropriation to the State Treasurer, there is hereby appropriated \$372,491 from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

133. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....	30,000
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SOURCE OF FUNDS:

(1) State General Fund.....	30,000
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As provided in Section 41-9-374, Code of Alabama 1975.

Total Alabama Commission on Uniform State Laws.....	30,000	30,000
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134. VETERANS' AFFAIRS,
DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program	11,387,185
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Of the above appropriation, \$7,500 shall be allocated to the Veterans Day Committee of Birmingham and \$9,500 shall be allocated to the Secretary of the Army's CASA.

SOURCE OF FUNDS:

(1) State General Fund.....	3,268,614		
(2) Veterans' Home Trust Fund-Transfer		8,118,571	
		<hr/>	
Total Department of Veterans' Affairs	3,268,614	8,118,571	11,387,185
		<hr/>	<hr/>

In addition to the above appropriation to the Department of Veterans' Affairs, there is hereby appropriated an amount up to \$500,000 from the State General Fund to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

135. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	300,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	300,000
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As provided in Section 34-29-70, Code of Alabama 1975.

Total Alabama State Board of Veterinary Medical Examiners	300,000	300,000
	<hr/>	<hr/>

136. VOTER REGISTRATION IDENTIFICATION PROGRAM:

(a) Special Services Program 458,360

SOURCE OF FUNDS:

(1) State General Fund.....	402,360		
(2) Voter Registration Fund ..		56,000	
Total Voter Registration Identification Program.....	402,360	56,000	458,360

137. WOMEN'S COMMISSION, ALABAMA:

(a) Employment and Social Opportunities Program..... 20,200

SOURCE OF FUNDS:

(1) State General Fund.....	20,200	
Total Alabama Women's Commission.....	20,200	20,200

138. WOMEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program 13,100

SOURCE OF FUNDS:

(1) State General Fund.....	13,100	
Total Alabama Women's Hall of Fame.....	13,100	13,100

139. YOUTH SERVICES, DEPARTMENT OF:

(a) Youth Services Program .. 15,598,108

Of the above appropriation, the sum of \$50,000 shall be allocated to the Juvenile Justice Coordinating Council of St. Clair County. The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, Code of

Alabama 1975. Of the above appropriation, \$100,000 shall be expended to train Juvenile Probation Officers in mediation/dispute resolution.

(b) Youth Services-Boot Camp Programs	3,975,000
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SOURCE OF FUNDS:

(1) State General Fund-Youth Services	9,229,108
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(2) State General Fund-Boot Camp Programs	3,975,000
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(3) State General Fund-Juvenile Probation Officers Subsidy.....	6,369,000
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Total Department of Youth Services	19,573,108	19,573,108
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The above appropriation shall include at least \$103,425 for those nonsecure programs funded in fiscal year 1996-97. In addition to the above appropriation to the Department of Youth Services, there is hereby appropriated \$1,400,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the director of Finance and the approval of the Governor. In addition to the above appropriation to the Department of Youth Services, there is hereby conditionally appropriated \$5,600,000 for secure beds for convicted juvenile offenders to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GEN-
ERAL FUND:**

**1. ARREST OF ABSCOND-
ING FELONS:**

(a) Criminal Investigation Program, Estimated	60,450
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SOURCE OF FUNDS:

(1) State General Fund.....	60,450
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As provided in Sections 15-9-1
and 15-9-3, Code of Alabama
1975.

Total Arrest of Absconding Felons	60,450	60,450
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**2. AUTOMATIC APPEAL
EXPENSE:**

(a) Legal Advice and Legal Services Program, Estimated..	82
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SOURCE OF FUNDS:

(1) State General Fund.....	82
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As provided in Sections
12-22-150 and 12-22-241,
Code of Alabama 1975.

Total Automatic Appeal Ex- pense.....	82	82
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**3. BUSKEY MATCHING
FUNDS - PENNY TRUST
FUND:**

(a) Special Services Program, Estimated.....	75,402
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SOURCE OF FUNDS:

(1) State General Fund- Transfer.....	75,402
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In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

Total Buskey Matching Funds - Penny Trust Fund.....	75,402	75,402
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4. COUNTY GOVERNMENT CAPITAL IMPROVEMENT FUND:

(a) Capital Improvement Program, Estimated.....		6,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated.....	6,000,000	
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In accordance with Section 11-29-5, Code of Alabama 1975.

Total County Government Capital Improvement Fund	6,000,000	6,000,000
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5. MUNICIPAL GOVERNMENT CAPITAL IMPROVEMENT FUND:

(a) Capital Improvement Program, Estimated.....		6,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	6,000,000	
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In accordance with Section 11-66-5, Code of Alabama 1975.

Total Municipal Government Capital Improvement Fund.....	6,000,000	6,000,000
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6. COURT ASSESSED COSTS NOT PROVIDED FOR:

(a) Special Services Program, Estimated		2,400,000
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As provided in Sections 22-52-14, 30-4-96, 26-17-17, 22-11A-1 through 22-11A-41, 12-15-71 and 12-21-131, Code of Alabama 1975.

(b) Legal Advice and Legal Services Program.....		250,000
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It is the intent of the Legislature that the appropriation in this subsection be expended for Court costs to

include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

(c) Automatic Appeal Cases
Expense Program

40,000

The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable, in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to ~~any attorney for services, or to~~ compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	2,400,000	
(2) State General Fund	250,000	
(3) State General Fund-Automatic Appeal Cases.....	40,000	
Total Court Assessed Costs Not Provided For.....	2,690,000	2,690,000

7. COURT COSTS-ACT NO.
558,1957:

(a) Court Operations Program, Estimated	200
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SOURCE OF FUNDS:

(1) State General Fund.....	200
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Pursuant to Act No. 558, 1957,
Page 777.

Total Court Costs-Act No. 558, 1957	200	200
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8. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated	296,940
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SOURCE OF FUNDS:

(1) State General Fund.....	296,940
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As provided in Sections 36-14-1,
36-14-11, 17-22A-11 and
41-21-8, Code of Alabama 1975.

Total Distribution of Public Documents.....	296,940	296,940
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9. STATE DOCKS TRANSFER:	3,500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	3,500,000
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The above appropriation to the State Docks shall be conditioned upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total State Docks Transfer.....	3,500,000	3,500,000
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10. ELECTION EXPENSES:

(a) Special Services Program, Estimated	4,000,000
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(b) Training of Election · Officials.....	72,694
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund.....	4,000,000
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As provided in Section 17-21-6,
Code of Alabama 1975.

(2) State General Fund.....	72,694
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Total Election Expenses	4,072,694	4,072,694
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11. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program	1,000,000
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SOURCE OF FUNDS:

(1) State General Fund.....	1,000,000
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency; provided, however, it is the intent of the Legislature that (1) as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Office of the President of the Senate or the Office of the Lieutenant

Governor; and (2) that as much as necessary, not to exceed \$100,000, of the appropriation made within this subsection shall be expended for the legal expenses incurred by the Speaker of the House of Representatives. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Committee on Economic Expansion and Trade, the Chairman of the House Committee on Ways and Means, and the Director of the Legislative Fiscal Office of such pending transfer.

Total Departmental Emergency Fund.....	1,000,000	1,000,000
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In addition to the above appropriation to the Departmental Emergency Fund, there is hereby appropriated from the State General Fund \$2,500,000 to be conditioned upon the availability of funds in the State General Fund and the approval of the Governor.

12. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated	6,844,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	6,844,000
Total Fair Trial Tax Transfer	6,844,000

13. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated 5,200,000

SOURCE OF FUNDS:

(1) State General Fund..... 5,200,000

For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners.....	5,200,000	5,200,000
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14. FINANCE-CMIA, DEPARTMENT OF:

(a) Fiscal Management Program, Estimated 700,000

SOURCE OF FUNDS:

(1) State General Fund..... 700,000

As provided in Section 41-4-38, Code of Alabama 1975.

Total Department of Finance-CMIA	700,000	700,000
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15. FINANCE, DEPARTMENT OF - EMPLOYEES' SUGGESTION AWARDS PROGRAM:

(a) Fiscal Management Program..... 10,000

SOURCE OF FUNDS:

(1) State General Fund..... 10,000

In accordance with Section 36-1-7, Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	10,000	10,000
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16. FINANCE-FEMA, DEPARTMENT OF:

(a) Readiness and Recovery Program, Estimated 2,186,293

Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund.....	2,186,293	
Total Department of Finance-FEMA	2,186,293	2,186,293

The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Emergency Management Agency or the U.S. Soil and Conservation Service for the State of Alabama to pay a state match for FEMA or SCS grants.

17. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	180,000
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The appropriation to the Emergency Forest Fire Fund shall be conditioned as provided by Section 9-3-10.1, Code of Alabama 1975, and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.

Total Emergency Forest Fire Fund	180,000	180,000
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18. FREDDIE LEE GAINES:

(a) Special Services Program ..		100,000
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In accordance with Act 96-579.

SOURCE OF FUNDS:

(1) State General Fund	100,000	
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Total Freddie Lee Gaines	100,000	100,000
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19. GOVERNOR'S CONFERENCE, NATIONAL:

(a) Executive Direction Program, Estimated		73,000
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SOURCE OF FUNDS:

(1) State General Fund	73,000	
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Total National Governor's Conference	73,000	73,000
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20. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21,
Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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21. GOVERNOR'S WIDOW RETIREMENT:

(a) Executive Direction Program, Estimated		14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400	
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As provided in Section 36-13-12,
Code of Alabama 1975.

Total Governor's Widow Retirement	14,400	14,400
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22. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program, Estimated 137,200

SOURCE OF FUNDS:

(1) State General Fund..... 137,200

As provided in Sections 28-4-311 and 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	137,200	137,200
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23. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated.. 2,000

SOURCE OF FUNDS:

(1) State General Fund..... 2,000

To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense.....	2,000	2,000
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24. MILITARY - EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated 200,000

SOURCE OF FUNDS:

(1) State General Fund..... 200,000

As provided in Section 31-2-133, Code of Alabama 1975.

Total Military - Emergency Active Duty Pay	200,000	200,000
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25. PRINTING OF CODE SUPPLEMENTS - LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated..... 114,880

SOURCE OF FUNDS:

(1) State General Fund.....	114,880	
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As provided in Section 29-7-6,
Code of Alabama 1975.

Total Printing of Code Supplements - Legislative Reference Service	114,880	114,880
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to insure printing cost savings when possible.

26. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:

(a) Administrative Support Services Program, Estimated		121,317
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SOURCE OF FUNDS:

(1) State General Fund.....	121,317	
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As provided in Sections 41-21-1 through 41-21-8 and 41-4 154,
Code of Alabama 1975.

Total Printing Codes and Supplements - Secretary of State	121,317	121,317
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It is the intent of the Legislature that the number of Codes and Supplements printed and distributed shall be limited to the minimum number actually needed, utilized and required by law. Procedures should be adopted to verify the need and utility of required printed sets to

insure printing cost savings
when possible.

27. PRINTING OF LEGIS- LATIVE ACTS AND JOUR- NALS:

(a) Administrative Support Services Program, Estimated	443,385
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SOURCE OF FUNDS:

(1) State General Fund.....	443,385
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As provided in Sections
41-4-130 through 41-4-161,
Code of Alabama 1975.

Total Printing of Legislative Acts and Journals.....	443,385	443,385
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28. REGISTRATION OF VOT- ERS:

(a) Special Services Program, Estimated	2,800,000
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SOURCE OF FUNDS:

(1) State General Fund.....	2,800,000
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In accordance with Sections
17-4-126 and 17-4-153, Code
of Alabama 1975.

Total Registration of Voters ...	2,800,000	2,800,000
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29. REMOVAL OF PRISON- ERS:

(a) Administrative Services and Logistical Support Pro- gram, Estimated	400,000
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SOURCE OF FUNDS:

(1) State General Fund.....	400,000
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As provided in Sections
15-10-70 through 15-10-73,
15 9-62, 15 9-65 and 15-9-81,
Code of Alabama 1975.

Total Removal of Prisoners	400,000	400,000
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30. STATE GENERAL FUND, ESTIMATED:	51,300,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated ...	51,300,000	
All income other than income realized on the sale of Trust Fund assets and not other- wise appropriated herein.		
Total State General Fund, Estimated	51,300,000	51,300,000
2E. DEBT SERVICE FUNDED FROM THE STATE GEN- ERAL FUND:		
1. General Obligation Water- way Refunding Bonds, Series 1992, Estimated		3,003,085
SOURCE OF FUNDS:		
(1) State General Fund, Esti- mated	3,003,085	
Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated	3,003,085	3,003,085
2. Music Hall of Fame Bonds, Estimated		350,250
SOURCE OF FUNDS:		
(1) State General Fund, Esti- mated	350,250	
Pursuant to Constitutional Amendment No. 489 as pro- vided in Act 88-549, 1988 Regular Session.		
Total Music Hall of Fame Bonds, Estimated	350,250	350,250
3. Corrections Institutions Bonds, Estimated		1,190,000
SOURCE OF FUNDS:		
(1) State General Fund, Esti- mated	1,190,000	
Pursuant to Constitutional Amendment No. 374 as pro- vided for in Act No. 134, 1978 Second Special Session.		
Total Corrections Institutions Bonds, Estimated	1,190,000	1,190,000

4. General Obligation Capital Bonds, 1990 Series, Estimated.....	1,904,515
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,904,515
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Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.

Total General Obligation Capital Bonds, 1990 Series, Estimated.....	1,904,515	1,904,515
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5. General Obligation Refunding Bonds, 1992, Series A and B, Estimated	21,698,156
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SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	21,698,156
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Total General Obligation Refunding Bonds, 1992, Series A and B, Estimated	21,698,156	21,698,156
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to

any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. Upon certification to the Director of Finance by the State Attorney General that a federal court has ordered the State of Alabama to pay claims, attorney fees, or other costs relating to said court order, funds are hereby appropriated to the affected department, board, bureau, or commission from the appropriate fund or funds of such department, board, bureau or commission in the amount necessary to satisfy that court order. Such appropriations are in addition to any other appropriation heretofore or hereafter made in this appropriation act. Such appropriations are conditioned upon the availability of funds and a determination by the Director of Finance that other current appropriations are not available for the court-ordered payments.

SECTION 7. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby transferred to the State General Fund.

SECTION 8. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than

September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 10. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of the Department of Transportation and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. The Department of Public Safety may transfer surplus automobiles (those with over 100,000 miles) without the approval required in this section. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Economic Expansion and Trade prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 11. It is the intent of the Legislature that the Finance Director shall notify the Chair of the House Committee on Ways and Means and the Chair of the Senate Committee on Economic Expansion and Trade of any inter-agency transfers, of any type, including contracting, of any of the funds appropriated in the Act.

SECTION 12. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional invalid

SECTION 13. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 14. It is the intent of the Legislature that each agency receiving an appropriation in this appropriations act shall certify to the Department of Finance that it has a plan for its data processing and other computerized systems to become Year 2000 compliant. As part of the annual plan of operation, each agency shall certify in writing that the Year 2000 compliance plan is or will be implemented in a timely manner. This plan shall encompass those programs which are critical and necessary to the essential delivery of services to citizens, local governments, the federal government and other state entities. Each Year 2000 compliance plan shall be based on standards for data storage and exchange as established by the Department of Finance.

SECTION 15. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 16. This Act shall become effective October 1, 1997.

Approved September 23, 1997

Time: 10:27 A.M.

Act No. 97-934

H. 69 – Rep. Hinshaw

AN ACT

To amend Section 16-36-29.1 of the Code of Alabama 1975 relating to materials and supplies and textbooks; to separate the topic of materials and supplies from the topic of textbooks by creating a new Section 16-1-8 of the Code of Alabama 1975 for materials and supplies; to provide for the purchase of instructional equipment or electrical equipment by schools or teachers with funds allocated by the local

board of education by the voucher system; to provide for a budget committee in each school and for the development of a proposed budget for materials and supplies for submission to the teachers for their review and approval by secret ballot; to provide for the budget committee's composition and the election of teacher members by secret ballot; to provide for certain guidelines relating to the ordering of classroom materials and supplies; to provide for expenditures with funds intended for materials and supplies; to continue provisions relating to input from the professional organization representing the majority of employees, unspent funds, and proration; to establish provisions relating to the Examiners of Public Accounts; to prohibit the transfer of funds when teachers are transferred to another school; to recognize collateral references of terms; to establish miscellaneous provisions relating to materials and supplies; and to provide a delayed effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-36-29.1 of the Code of Alabama 1975, is amended to read as follows:

“§16-36-29. Adequate Textbooks, Support, Facilities, and Instructional Materials.

“The Legislature finds that textbooks and other instructional materials are among the basic tools of learning that must exist if Alabama students are to succeed.

“(a) Textbooks and Other Materials. All students in the public schools shall be provided with adequate and current textbooks and other necessary materials and supplies for use in their education. Textbooks and other supporting materials shall be appropriate for their course work. Where textbooks are assigned in a class, every student shall have his or her own copy of the assigned textbook of the correct edition, which he or she shall be permitted to take home each day for home study for the entire school year or for the portion of the year when the book is assigned. Assigned books shall be no older than seven years, and shall be in suitable condition. Students who wish to purchase textbooks may do so at the school's cost.

“(b) Quantity and Timelines. Materials and supplies, library books and media resources, science equipment, classroom furniture, audiovisual equipment, maps and globes, chalkboards, art and music supplies, and other educational materials shall be provided in all schools in adequate form and quantity. The state superintendent, with approval by the State Board of Education, shall determine for each grade level the adequate form and quantity of educational materials necessary to comply with the provisions of this subsection. Furthermore, the principal of any school may request through the superintendent that the local school board order textbooks directly from the supplier of the school. The principal may order the insufficient number of textbooks directly if the textbooks have not been ordered or delivered to his or her

school within five (5) school days. The principal may utilize whatever ordering or shipping procedure which is available to insure adequate textbooks are supplied at the earliest possible time for each student to comply with the provisions of this section.

“(c) Teachers’ Personal Obligations. It shall not be necessary for teachers to make personal expenditures to provide the materials described in this section.

“(d) Statewide Uniform Textbook Policy. The State Department of Education shall evaluate the connection between all approved textbooks and the courses of study. The State Board of Education is empowered to prescribe regulations for the proper care of and accounting for state-owned textbooks. The State Board of Education shall adopt a uniform statewide policy regarding the care, responsible use, and the condition upon return of the textbooks. The State Board of Education shall adopt and enforce sanctions for noncompliance and ensure the sanctions are enforced. Each local system shall adopt the statewide policy or a more stringent policy.

“(e) Student and Parental Obligations. It is the intent of the Legislature that it is the student’s responsibility, as well as the student’s parent or guardian, to care for the textbooks and materials and supplies provided by the state in a manner so that the materials are not damaged to the point of being unusable.

“(f) State Department of Education Obligations. The State Department of Education has a continuing obligation to provide systems and schools with review of and information about textbooks and other instructional materials, including computer software and technology-related materials.”

Section 2. A new Section 16-1-8 of the Code of Alabama of 1975 is hereby created as follows:

“§16-1-8. Materials and Supplies.

“The procedures for ordering, and the regulations applying to, classroom materials and supplies as established in the foundation program as provided in Sections 16-13-231 and 16-6B-10, Code of Alabama 1975 shall be as follows:

“(a) Budget Committee. Each school shall have a budget committee. The committee shall be comprised of five members consisting of four teachers and the school’s principal, or the principal’s designee. The teachers on the committee shall be elected annually by secret ballot by majority vote of the teachers voting at each school. The budget committee shall propose a budget for materials and supplies. The proposed budget shall outline common purchases and shall specify the common items which may be purchased. The

proposed budget shall also specify the amount to be allotted for each teacher. The committee shall elect a chairperson from among its membership. The committee shall also elect a secretary from its membership who shall be responsible for keeping minutes of the meetings of the budget committee and actions taken to approve the budget during the secret balloting process. The committee may form advisory subcommittees from teachers at the various grade and/or department levels.

“(b) Approval by Teachers. The proposed budget from the budget committee shall be submitted to the teachers at an annual meeting. Before any part of any proposed budget is implemented, the teachers at the school, through a majority vote of those voting, shall approve the proposed budget utilizing a secret balloting process. Teachers shall have at least two work days to review the proposed budget before a vote is taken. Any proposed budget which does not receive approval shall be returned to the budget committee for reformulation, taking into consideration the teachers’ recommendations offered at the school’s annual meeting at the beginning of the school year. If the proposed budget is not approved, the budget committee shall submit another proposed budget for review and consideration by the teachers, and this procedure shall continue until such time as the teachers approve a budget utilizing the procedures of this section. A report on the budget which is approved by a majority vote of the teachers voting shall be transmitted to the local superintendent on uniform forms provided by the State Department of Education.

“(c) Duties of Local Superintendent. The local superintendent shall submit a notarized affidavit to the State Superintendent of Education. The affidavit shall certify that all funds allocated for materials and supplies have been properly spent and that all legal requirements have been properly observed and implemented. On the affidavit, the superintendent shall certify the amount of monies expended at each school, delineating the amounts spent for collective purchases and the amounts received by the teachers at each school. The local superintendent shall take care to insure that each teacher employed is able to order and receive his or her allocation of materials and supplies during each year as provided in this section.

“(d) Timelines. Any or all of the funds for materials and supplies shall be made available to each teacher before December 1; however, the teacher may order, in whole or in part, his or her allocation anytime during the applicable fiscal year. It is the intent of the legislature that teachers should have their full allocation of materials and supplies as soon in the school year as possible in order to promote learning.

“(e) Permissible Expenditures. Monies allocated for materials and supplies may be spent for classroom instructional purposes only, to be used either by classroom teachers or students in each teacher’s respective classes. It shall be permissible to expend materials and supplies monies on instructional equipment and electrical equipment which is actually utilized with students in the teacher’s classroom.

“(f) Competitive Bids and Vouchers. Each local board of education may purchase materials and supplies in bulk pursuant to the State Competitive Bid Law. The board may also authorize each school or individual teachers to purchase materials and supplies, instructional equipment, and electrical equipment for classroom instruction by the voucher system, with no one item exceeding the sum of \$7,500. The local board shall establish and require proper accounting procedures and safeguards for purchases by the voucher system.

“(g) Policies and Procedures. Policies and procedures shall be developed and implemented to insure that each teacher receives his or her full allocated amount for materials and supplies in conjunction with the approved budget in a timely manner after each order is placed. Procedures and policies utilized and adopted to implement the provisions of this section shall be established and determined prior to the beginning of the school year by each local board with recommendations from the organization representing the majority of employees as provided in Section 16-1-30 of the Code of Alabama 1975.

“(h) Unspent Funds. Any funds appropriated for materials and supplies but not expended according to this section by the end of each fiscal year shall revert to the Education Trust Fund.

“(i) Proration. In the event proration of the Education Trust Fund is declared by the Governor, each local school system shall nevertheless insure that at least 80 percent of its allocation per teacher for materials and supplies shall be expended according to the provisions of this section. No portion of a teacher’s materials and supplies money shall be withheld until and unless the Governor officially declares proration of the Education Trust Fund.

“(j) Transfer with Teacher Disallowed. Materials and supplies monies are to be expended on behalf of students at a specific school and are not transportable with the teacher if the teacher is transferred to another school.

“(k) Examiners of Public Accounts. All expenditures for materials and supplies and related documents by each county and city board of education shall be subject to audit by the Examiners of Public Accounts.

"(1) Collateral References. References to "instructional supplies" contained in Section 16-6B-10 of the Code of Alabama 1975 shall be understood to be the same as "materials and supplies."

Section 3. Repealer. All laws or parts of laws which conflict with this are repealed.

Section 4. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. Effective Date. This act shall become effective on October 1, 1997, following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:28 A.M.

Act No. 97-935

H. 67 – Reps. Payne, Townsend, Carns
AN ACT

Establishing the Billy Marsh Act; creating an Alabama Medal of Honor Wall at each state welcome center to honor certain residents of the state who received a medal of honor; providing for the qualifications and verification of certain information; and providing for appropriations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and be cited as "The Billy Marsh Act."

Section 2. It is the intent of the Legislature to recognize and honor those individuals who are accredited or associated by birth to the State of Alabama who, through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, were made recipients of the Medal of Honor. In doing so, these members of our Armed Forces brought great credit upon themselves, their military units, and the State of Alabama.

Section 3. (a) There is hereby established an Alabama Medal of Honor Wall to honor recipients of the Medal of Honor at each state welcome center. The Alabama Bureau of Tourism and Travel shall, in consultation with the American Legion, designate an appropriate area at each welcome center on the border of the state for the placement of the plaques on the wall.

(b) Each recipient of the Medal of Honor who is a native of the state and resided in the state for 10 years or more, whether

deceased or living, shall have a plaque or similar designation approved by the Department of Veterans' Affairs placed on the Medal of Honor Wall, which designation shall provide information regarding the Alabamian's particular act of heroism as well as other information relating to the nature of the act.

(c) Verification of residency, dates of the receipt of the award, and other specific information pertaining to each recipient shall be the responsibility of the Department of Veterans' Affairs, which shall certify eligibility for inclusion of individuals to be added to the Medal of Honor Wall.

(d) The cost of each Medal of Honor Wall shall be borne from annual appropriations from the Legislature to the Bureau of Tourism and Travel.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:29 A.M.

Act No. 97-936

H. 133 – Rep. Allen

AN ACT

To provide for the purchase and issuance of a temporary tag and issuance of a temporary registration for certain motor vehicles manufactured within this state if the motor vehicle is to be permanently licensed in another jurisdiction; to provide for distribution of the net proceeds from the sale of the tags or plates; and to amend Section 40-23-39, Code of Alabama 1975, to provide further for sales and use tax on export sales.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person who takes delivery within this state of a new passenger vehicle or new truck manufactured within this state of a gross weight not exceeding 8,000 pounds, from the manufacturer or an affiliated corporation, and if the vehicle is to be permanently licensed in another jurisdiction, upon application to the judge of probate or license commissioner of the county in which the manufacturer is located, upon providing proof of ownership of the vehicle, and upon payment of a fee of twenty-five dollars (\$25), shall be issued a temporary metal license plate to be affixed to the vehicle and a temporary registration certificate. This temporary license plate may not be transferred to another owner or vehicle.

(b) The license plate shall be valid for a period not exceeding 90 days from the date of issuance upon payment of a twenty-five dollar (\$25) fee for each 30-day period, or partial period, of validation. Once this temporary license plate is issued, the validation period for the license plate may not be extended. In no case may this temporary license plate be issued for a period exceeding 90 days.

(c) Upon expiration of the validation period, or when the vehicle is permanently licensed in another jurisdiction, whichever occurs first, this temporary license plate shall become invalid but may be retained by the owner of the vehicle as a memento or souvenir.

(d) The temporary license plates herein authorized shall be designed by the manufacturer of the motor vehicle subject to the advice and review of the Department of Revenue.

(e) The provisions of Chapter 12 of Title 40, and Chapter 6 of Title 32, relating to the display of license plates, validation decals, enforcement, including presentation of the temporary registration certificate upon request, shall be applicable to the license plates issued under this section.

Section 2. The judge of probate or license commissioner of the county issuing the temporary metal license plates herein authorized shall remit manufacturing costs of one dollar and fifty cents (\$1.50) to the State Comptroller for each temporary license plate issued. The balance of the funds shall be deposited in the county public road and bridge fund.

Section 3. Section 40-23-39, Code of Alabama 1975, is amended to read as follows:

“§40-23-39.

“(a) Notwithstanding any other provision of law, the purchaser of tangible property purchased in the state, with the intent that the property is to be retained in the state only temporarily and is solely for export to a foreign country, shall be entitled to a refund from the Department of Revenue against the total amount of all sales taxes paid if the purchaser’s records reflect that it was the intent of the purchaser to use the property in a foreign country at the time of purchase and that, in fact, the property was exported from Alabama, and that when ocean transportation is required and scheduled service to the desired port overseas is available through the Port of Mobile, the Port of Mobile is used for shipment. This subsection shall apply to purchases made and stockpiled after July 1, 1996.

“(b) Notwithstanding subsection (a) or any other provision of law, the purchase of a new passenger vehicle or new truck with a gross weight not exceeding 8,000 pounds:

- “(1) which is manufactured in Alabama;
- “(2) which is purchased by a nonresident of the United States;
- “(3) which is delivered to the purchaser in Alabama by the manufacturer or an affiliated corporation; and
- “(4) which at the time of purchase the purchaser intends to export to and permanently license in a foreign country within 90 days after the date of delivery;
- “(5) for which the purchaser obtains a temporary metal license plate and a temporary registration certificate from the judge of probate or license commissioner of the county in which the manufacturer is located, shall be exempt from all state sales and use taxes levied under Chapter 23 of Title 40 and all municipal and county sales and use taxes.”

Section 4. This act shall be read in pari materia with all other vehicle registration laws, specifically, Section 32-6-210, Code of Alabama 1975.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1997, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved September 23, 1997

Time: 10:30 A.M.

Act No. 97-937

S. 36 – Senator Freeman

AN ACT

Relating to alcoholic beverage licenses; to establish a separate classification of an alcoholic beverage license known as an “International Motor Speedway” license under Chapter 3A of Title 28, Code of Alabama 1975, to provide for hours of sale, and to provide for the collection of state fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon compliance by an applicant with the provisions of Chapter 3A of Title 28 of the Code of Alabama 1975, and the regulations made thereunder, the Alcoholic Beverage Control Board may, where the application is accompanied by a certificate from the clerk or proper officers setting out that the applicant has presented his or her application to the governing authority of the

municipality if the licensed premises is to be located therein, or by a certificate from the clerk or proper officers of the county if the licensed premises is to be located within the county but outside the jurisdiction of a municipality, and that the applicant has obtained the consent and approval of the proper governing authority, issue an international motor speedway license for any international motor speedway in the state which marketed at least 60,000 tickets to at least two motor sport racing events at the speedway in 1994, 1995, and 1996. Notwithstanding the provisions of subdivisions (20) and (21) of subsection (a) of Section 28-3A-25, Code of Alabama 1975, the international motor speedway license shall authorize the licensee to purchase liquor and wine from the board, or as authorized by the board, and to purchase table wine and beer, in any county or municipality in which the sale thereof is permitted, from any wholesale licensee of the board and to sell liquor and wine, dispensed from containers of any size, and beer in any county or municipality in which the sale thereof is permitted, for on-premises consumption each day of the week, including Sundays, and to sell all of the aforementioned for off-premises consumption except on Sunday. Such sales shall be incidental to the primary purpose of recreation and athletics, and shall be confined to those buildings, facilities, and grounds which comprise the speedway.

Section 2. An annual license fee of three hundred dollars (\$300) is levied and prescribed for an international motor speedway license issued and renewed by the board pursuant to the authority contained in this act and Chapter 3A of Title 28 of the Code of Alabama 1975.

Section 3. This bill shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:31 A.M.

Act No. 97-938

S. 75 – Senator McClain

AN ACT

Relating to Jefferson County; amending Section 1 of Act 97-280, S. 491 of the 1997 Regular Session, relating to the pistol permit fee of the sheriff, to further provide for the distribution of the proceeds of the Sheriff's Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 97-280 is amended to read as follows:

"Section 1. (a) In Jefferson County, the sheriff shall collect an additional fee of twelve dollars and fifty cents (\$12.50) for each pistol permit issued.

"(b) The additional fee shall be deposited in the general fund of the county and the treasurer or other custodian of county funds shall distribute the additional twelve dollars and fifty cents (\$12.50) as follows:

"(1) Two dollars and fifty cents (\$2.50) of the additional amount collected shall be distributed to the Jefferson County Legislative Delegation office. Of this amount two dollars (\$2) or the portion needed thereof shall be spent for the operation of the legislative office located in Birmingham, and fifty cents (\$.50) shall be used for the operation of the legislative office located in Bessemer.

"(2) Ten dollars (\$10) of the additional amount collected shall be distributed to the Sheriff's Fund and shall be used for the establishment, operation, promotion, and legal services of the Jefferson County Sheriff's Academy."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:32 A.M.

Act No. 97-939

S. 87 – Senator Bailey

AN ACT

To provide that a person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in death or a serious physical injury shall be required to submit to a test to determine the content of alcohol, amphetamines, opiates, or cannabis in his or her blood if the law enforcement officer has reasonable grounds to believe that the person was operating a motor vehicle while under the influence of these substances; to provide for a penalty for refusal to submit to a test; and to provide for a due process hearing for relief from the penalties imposed.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Any person who operates a motor vehicle on the public highways of this state who is involved in an accident that results in death or a serious physical injury to any person shall be deemed to have given consent to a test of his or her blood for the purpose of determining the alcoholic content of his or her blood or the presence of amphetamines, opiates, or cannabis. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe that the person, while driving a motor vehicle on the public highways of this state,

was under the influence of alcohol, amphetamines, opiates, or cannabis. The person shall be informed by the law enforcement officer who is investigating the accident that failure to submit to a test will result in the suspension of his or her privilege to operate a motor vehicle for a period of two years.

(b) For purposes of this section, the term "serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(c) Any person who is dead, unconscious, or who is otherwise in a condition in which they are incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (a).

(d) If a person refuses to submit to a test, none shall be given, unless a court order has been obtained ordering the person to submit to a test. If the person is found not to have been at fault in causing the accident, the Director of Public Safety may reduce the period of suspension.

(e) Upon suspending the license or permit to drive or the privilege of driving a motor vehicle on the highways of this state that is given to a nonresident or any person, or upon determining that the issuance of a license or permit shall be denied to the person, the Director of Public Safety or his or her authorized agent shall within three days of suspension notify the person in writing. Upon a request filed by the person within five days from the date of the notice of suspension or denial, the director shall schedule a hearing with notice of the hearing to be provided by certified mail to the person stating the date, time, place, and scope of the hearing. The scope of the hearing shall pertain to all of following issues:

(1) Whether a law enforcement officer had reasonable grounds to believe the person had been driving a motor vehicle on the public highways of this state while under the influence of the substances enumerated in subsection (a).

(2) Whether the person was at fault in causing the accident.

(3) Whether the person refused to submit to the test upon request of a law enforcement officer.

(4) Whether the person was informed that his or her privilege to drive would be suspended or denied if he or she refused to submit to the test shall not be an issue.

(f) If the suspension or determination that there should be a denial or issuance is sustained by the director or his or her authorized agent, the person whose license or permit to drive or a nonresident operating privilege has been suspended, or to whom a license

or permit is denied, shall have the right to file a petition to review the final order, suspension, or denial within 30 days after the entry of the final order of suspension or denial by the director in the appropriate court to review the final order of suspension.

(g) When it has been finally determined under the procedures of this act that the privilege of a nonresident to operate a motor vehicle in this state has been suspended, the director shall give information in writing of the action taken to the motor vehicle administrator of the state of the residence of the person and to any state in which the person has a license.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:33 A.M.

Act No. 97-940

H. 59 – Reps. McMillan, Penry

AN ACT

Relating to Class 7 and Class 8 municipalities, to provide for the filling of a vacancy in the office of mayor or council member when an appointment is not made within 60 days of the vacancy occurring.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) (1) A vacancy in the office of city council member in any Class 7 or Class 8 municipality shall be filled by the city council at the next regular meeting or any subsequent meeting of the council. The person elected shall hold office for the unexpired term. In the event a vacancy is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing city council member, including the mayor, may submit a name to the Governor for appointment. If the Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate shall call a special election to fill the vacancy.

(2) In the event the Governor is unable or unwilling to make the appointment within the time period provided, he or she shall immediately notify the judge of probate of the county.

(3) Any election called pursuant to this section shall be conducted pursuant to Chapter 46, Title 11, Code of Alabama 1975.

(4) In the event more than one vacancy exists in the office of city council member or in the office of mayor, or both, all vacancies shall be filled in the same manner.

(b) In any election held pursuant to this section, only qualified electors who are residents of the municipality shall be eligible to vote and shall present proof of identification to the pollworkers before casting a vote. The identification may be in the form of a valid Alabama driver's license or some other form of identification that confirms a permanent address in the city where the vote is to be cast. Other forms of identification may include, but are not limited to, a credit card, birth certificate, food stamp card, social security card, check cashing card, library card, passport, school record, work identification record, school identification, certified copy of a marriage license, any form of governmentally-issued identification, or medicaid, medicare, or welfare identification.

Section 2. (a) (1) In the event of the absence or disability of the mayor in any Class 7 or Class 8 municipality, the functions of the office shall be exercised by the chair pro tempore of the city council and, during his or her absence or disability, by such person as the city council may appoint from its membership, which appointment shall be entered upon the minutes of the city council.

(2) In the event of a vacancy from any cause in the office of mayor, the city council shall fill the vacancy either from its own membership or from without the membership of the city council. The person elected by the city council to fill the vacancy in the office of mayor shall be a qualified elector in the municipality and shall meet all other legal qualifications required by law for the performance of the duties of the office to which elected.

(3) a. In the event a vacancy in the office of mayor is not filled within 60 days after it occurs in a Class 7 or Class 8 municipality, each existing city council member may submit a name to the Governor for appointment. If the Governor fails to make an appointment from any submitted names within 90 days after the vacancy occurs, the judge of probate shall call a special election to fill the vacancy.

b. In the event the Governor is unable or unwilling to make the appointment within the time period provided, he or she shall immediately notify the judge of probate of the county.

c. Any election called pursuant to this section shall be conducted pursuant to Chapter 46, Title 11, Code of Alabama 1975.

d. In the event more than one vacancy exists in the office of city council member or in the office of mayor, or both, all vacancies shall be filled in the same manner.

(4) In any election held pursuant to this subsection, only qualified electors who are residents of the municipality shall be eligible to vote and shall present proof of identification to the pollworkers before casting a vote. The identification may be in the form of a valid Alabama driver's license or some other form of identification that confirms a permanent address in the city where the vote is to be cast. Other forms of identification may include, but are not limited to, a credit card, birth certificate, food stamp card, social security card, check cashing card, library card, passport, school record, work identification record, school identification, certified copy of a marriage license, any form of governmentally-issued identification, or medicaid, medicare, or welfare identification.

(b) This section shall not apply to cities operating under commission form of government.

Section 3. Notwithstanding any other provision of law, if a vacancy in the office of city council member or mayor in a Class 7 or Class 8 municipality has existed for three months or more on the effective date of this act, nominations pursuant to Section 1 and Section 2 shall immediately be submitted to the Governor for appointment.

Section 4. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:34 A.M.

Act No. 97-941

H. 85 – Rep. Drake

AN ACT

To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-274, Code of Alabama 1975, is amended to read as follows:

“§12-17-274.

“(a) The official court reporters shall be paid a salary by the state in such amount as shall be established by law, to be paid as other state employees are paid.

“(b) In addition to the salary paid by the state, each official court reporter shall be paid a salary by the counties composing the

circuit in such amount as shall be established by law. In circuits composed of more than one county, each county shall pay its pro rata part thereof, based on the assessed tax valuation of all property in such county for the preceding year. The payments shall be made in favor of such official court reporter for the respective amounts due by the several counties each month and shall be paid by the treasurer of each county out of the General Fund.

“(c) This section shall not be construed to repeal or amend any local law, special law, general law, or general law of local application providing extra allowances, compensation, or expenses, for any official court reporter paid from the funds of any county or counties.

“(d) Beginning on October 1, 1997, the state salary of all official court reporters not covered by the merit system of the State of Alabama shall be thirty-eight thousand two hundred and sixty-three dollars and fifty-nine cents (\$38,263.59) per year.

“(e) In the event a cost of living pay raise bill for all state employees is enacted during the 1997 Regular Session of the Legislature, then no official court reporter who receives any increase in compensation under the terms of this section shall be entitled to such cost of living increase granted in any law granting a cost-of-living pay raise.”

Section 2. This act shall not be construed to increase any county supplement currently being paid to an official court reporter.

Section 3. This act shall become effective after the provision of adequate funding for this salary increase and upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:35 A.M.

Act No. 97-942

H. 80 – Reps. Fuller, Curry

AN ACT

To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center and \$60,000 to the Twenty First Century Youth Leadership Training Project for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$47,000 to the Black Belt

Human Resource Development Center from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$60,000 from the Education Trust Fund to the Twenty First Century Youth Leadership Training Project for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1997.

Approved September 23, 1997

Time: 10:36 A.M.

Act No. 97-943

H. 88 – Rep. Pringle

AN ACT

To exempt the Little Sisters of the Poor from the payment of all state, county, and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Little Sisters of the Poor is exempted from paying any state, county, and municipal sales and use taxes.

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:37 A.M.

Act No. 97-944

H. 34 – Rep. Johnson (R)

AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Alabama Child Caring Program for the Alabama Caring Program for Children, for the fiscal year ending September 30, 1997, and to require an operations plan within one month after the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1997, the sum of one hundred thousand dollars (\$100,000) to the Alabama Child Caring Foundation for the Alabama Caring Program for Children, from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95, and Section 41-4-96.

Section 2. Within one month after the effective date of this act, an operations plan for fiscal year 1996-97 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this report.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:38 A.M.

Act No. 97-945

H. 68 – Reps. Carothers, Johnson (R),
Fuller, Black (M), Drake

AN ACT

To amend Section 12-19-180, Code of Alabama 1975, relating to the criminal history processing fee; to provide for an increase in the fee and for distribution and use of the fee proceeds; to establish the Criminal Justice Information System Automation Fund and to provide for an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-180, Code of Alabama 1975, is amended to read as follows:

“§12-19-180.

“(a) In addition to all other costs, fees, or fines prescribed by law, each person convicted of a crime in a municipal, district, or circuit court, except traffic cases which do not involve driving under the influence of alcohol or controlled substances as set out in Section 32-5A-191, and conservation cases and juvenile cases, shall be assessed a criminal history processing fee of thirty dollars (\$30). The assessment shall be automatically assessed by the clerk of the court upon conviction.

“(b) There is created in the State Treasury a fund to be designated as the Public Safety Automated Fingerprint Identification System Fund, a fund to be designated as the Court Automation Fund, and a fund to be designated as the Criminal Justice Information System Automation Fund. Ten dollars (\$10) of each additional fee collected pursuant to this section shall be deposited into the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund, five dollars (\$5) to the Court Automation Fund, ten dollars (\$10) to the Criminal Justice Information System Automation Fund, and five dollars (\$5) to the Department of Forensic Sciences Forensic Services Fund. All money deposited in the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund shall be expended for operations and maintenance of the Automated Fingerprint Identification System. All money deposited in the State Treasury to the credit of the Court Automation Fund shall be expended for equipment, operations, supplies, maintenance, and training related to court automation, court cost collection and the timely and efficient processing of court cases, and for the other purposes enumerated in this section. All money deposited in the State Treasury to the credit of the Criminal Justice Information System Automation Fund shall be expended for equipment, operations, supplies, maintenance, and training related to the Criminal Justice Information System. All money deposited in the State Treasury to the credit of the Forensic Services Fund from the criminal history processing fee shall be expended for any purposes for which the Department of Forensic Sciences is authorized to expend funds appropriated to that department. No money shall be withdrawn or expended from these funds for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriations bill or other appropriation bills.

“(c) All data collected and maintained in the State Judicial Information System from the automated management systems operated by the Administrative Office of Courts and all manuals,

forms, brochures, and publications developed by the Administrative Office of Courts shall be used to assist with the administrative and management needs of court officials and employees within the Unified Judicial System. The authority for control and dissemination of data from the system or distribution of judicial forms, manuals, and publications to any individuals, corporations, partnerships, or governmental associations outside the Unified Judicial System is vested in the Administrative Director of Courts.

“(d) The Administrative Director of Courts shall promulgate policies and procedures, in conformity with rules adopted by the Supreme Court of Alabama, for the handling of applications for information from the State Judicial Information System and applications for court forms, manuals, and publications from all persons or entities outside the Unified Judicial System. The Administrative Director of Courts may establish in the policies and procedures, subscription, rental, or user fees, and other charges applicable to non-judicial system entities to be used to offset the costs involved in transferring or providing any information requested.

“(e) All monies received by the Administrative Office of Courts from applications, user fees, service charges, subscriptions, donations, grants, leases, rentals bequests, loans, or any other sources, either public or private, relating to the operation and administration of the State Judicial Information System or the publication and distribution of court forms and informational material shall be deposited in the Court Automation Fund. The fund shall be used to help defray the costs of maintenance, acquisition and operation of the computer system and the research, preparation, printing, and distribution of forms and manuals, which shall include, but not be limited to, equipment, supplies, line charges, printing, salaries for employees, and other incidental expenses required for the operation or expansion of the system or associated with developing and distributing informational materials.

“(f) Nothing contained in this section shall be construed to prevent, prohibit, or otherwise limit or restrict public access to individual court records from the official custodians thereof, if the records are otherwise subject to public disclosure by law or court rule, nor shall anything in this section be construed to allow access to any court records which are not otherwise subject to public disclosure by law or court rule.

“(g) No money deposited to the Court Automation Fund may be transferred for use by any other program or purpose within the Unified Judicial System.”

Section 2. There is hereby appropriated for the fiscal year ending September 30, 1998, from the Criminal Justice Information System Automation Fund to the Criminal Justice Information Center those amounts as deemed necessary to carry out the provisions of this act as determined by the Director of the Criminal Justice Information Center.

Section 3. There is hereby appropriated to the Department of Forensic Sciences from the Forensic Services Fund for the fiscal year ending September 30, 1998 all funds deposited to that fund from this act.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:39 A.M.

Act No. 97-946

H. 45 – Rep. Wren

AN ACT

To amend Section 36-16-8 of the Code of Alabama 1975, as amended by Act 97-642 of the 1997 Regular Session, relating to the Property Inventory Control Division of the Office of the State Auditor; to reenact the provisions to exempt the property transferred to the Department of Archives and History from being disposed of, transferred, assigned, or entrusted to any other state department, agency, or employee; and to reenact the provisions to exclude historical materials in the custody of the Department of Archives and History from the biannual inventory by the State Auditor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-16-8 of the Code of Alabama 1975, is amended to read as follows:

“§36-16-8.

“The Property Inventory Control Division shall establish a control in the following manner of all nonconsumable state personal property not exempt under Section 36-16-11.

“(1) The head of each department or agency of the state shall designate one of its employees as property manager for the department or agency. Except for books, the property manager shall make a full and complete inventory of all nonconsumable personal property and certain other items of personal property deemed important or sensitive enough by the Property Inventory Control Division to be included in the inventory of state property of the value of five hundred dollars

(\$500) or more owned by the state and used or acquired by the department or agency. The inventory shall show the complete description, manufacturer's serial number, cost price, date of purchase, location, and custodial agency, responsible officer, or employee, and the state property control marking. A copy of the inventory shall be submitted to the Property Inventory Control Division on October 1 and April 1 of each year. Each inventory shall show all property acquired since the date of the last inventory. When any inventory fails to show any property shown on the previous inventory, then a complete explanation accounting for the property or the disposition thereof shall be attached to the inventory and submitted to the Property Inventory Control Division. All property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts.

"(2) Each property manager shall be the custodian of, and responsible for, all property in his or her department or agency. When any property is entrusted to other employees or officers of the department or agency, the property manager shall require a written receipt of the property so entrusted, which receipt shall be executed by the person receiving the property. In that event, the property manager shall be relieved of responsibility of the property, and the employee or officer of the department or agency shall be responsible for the property.

"(3) No property, except property being transferred to the Department of Archives and History under Section 41-6-10, shall be disposed of, transferred, assigned, or entrusted to any other department, agency, or employee thereof without the written permission of the Director of the Alabama Department of Economic and Community Affairs or the Governor of the State of Alabama or the designee of either of them.

"(4) Biannually, the Property Inventory Control Division shall conduct an inventory of all such state personal property excluding historical materials in the custody of the Department of Archives and History, holding every officer or employee strictly accountable for all personal property assigned to his or her custody.

"(5) No later than November 30 of each new fiscal year, the State Auditor shall report in writing to the Governor all losses and missing items of state property valued at more than five hundred dollars (\$500) as revealed by the most recent inventory of state personal property.

"(6) Whenever any property manager ceases for any reason to be the property manager of his or her department or agency, the

director of the department or agency shall immediately notify in writing the Property Inventory Control Division. The division shall immediately check the inventories of all property in the department or agency, and the successor to the property manager shall execute a written receipt for all property received by him or her or coming into his or her custody or control. The last payment of salary due the property manager shall be withheld until a complete check of the inventory of the property has been made and approved. In the event of any shortages, the property manager shall be held strictly accountable. Notwithstanding the foregoing, the property manager shall not be held accountable for property entrusted to any other employee or officer of the department or agency and for which he or she holds the written receipt of the employee or officer."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:40 A.M.

Act No. 97-947

H. 19 – Reps. Curry, Haney, Knight (J),
Thomas (J), Rogers (J),
Carothers, Turnham

AN ACT

To make an appropriation of \$4,304,424 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$4,304,424 to the State Board of Education from the Education Trust Fund for special programs for special education to be distributed by the State Board of Education for support and maintenance of the programs as follows:

- (a) ARC of Jefferson County211,862
- (b) ARC of Lawrence County-Bill Stewart Center25,000
- (c) Baldwin County ARC30,000
- (d) Barbour County ARC30,000
- (e) Bertie Thornton Center/Limestone County ARC46,000
- (f) Blount County ARC.....35,000

(g)	ARC of Calhoun/Cleburne County.....	85,000
(h)	Clarke County ARC.....	30,000
(i)	DeKalb County Association for Retarded Citizens...	65,000
(j)	East Elmore County ARC	30,000
(k)	Etowah County/Gadsden ARC.....	30,000
(l)	Fayette County/Lamar County ARC	30,000
(m)	Jackson County ARC Achievement Center.....	60,000
(n)	Marion Bankhead Grant Center-ARC of Walker County.....	71,000
(o)	Marshall County ARC.....	30,000
(p)	Mobile ARC.....	97,000
(q)	Morgan County ARC	40,000
(r)	North Talladega County Association for Retarded Citizens, Inc.....	37,151
(s)	ARC of Shelby County.....	30,000
(t)	South Talladega County Association for Retarded Citizens, Inc.	37,151
(u)	St. Clair County ARC.....	35,000
(v)	Winston County/Marion County ARC.....	50,000
(w)	Achievement Center, Opelika-Lee County.....	17,500
(x)	Adam Bishop Center-Jasper-Walker County	30,250
(y)	Alan Cott School-Jefferson County	80,253
(z)	Butler Activity and Training Center for the Mentally Retarded in Greenville-Butler County	45,000
(aa)	Clark Smeltzer Training Center of Gadsden-Etowah County	28,750
(bb)	Cullman County Center for the Developmentally Disabled.....	160,000
(cc)	Dallas County Day Care and Training Center-Cahaba Center for Mental Retardation.....	43,226
(dd)	Dee Day School-Cherokee County	35,000

Of the \$35,000 appropriated to Dee Day School, the amount of \$17,500 shall be expended at the Cherokee County Education Center for Retarded Citizens.

(ee)	Duke School for Adult Mentally Retarded-Calhoun County	35,000
(ff)	Hope Haven School-Colbert County	46,201
(gg)	Jackson-DeKalb County Special School, Northeast Alabama State Community College	60,000
(hh)	Louise Smith Development Center-Autauga County	60,000
	Of the above appropriation at least \$10,000 shall be expended for the early infant education intervention opportunities program.	
(ii)	Madison County Opportunities Center	90,000
(jj)	McGraw Activity Center-Tuscaloosa County	170,000
(kk)	McKinney Learning Center-Talladega County	30,363
(ll)	Merle Wallace Purvis Center-Geneva County	66,250
(mm)	Randolph County Learning Center	31,721
(nn)	Sara Dinsmore ARC Training Facility-Franklin County	30,000
(oo)	Southwest School for Deaf and Blind-Mobile County	470,000
	Of the above appropriation \$94,000 shall be expended for the Volunteers of America-South Alabama, for a program at the Center for the Deaf and Hard of Hearing.	
(pp)	Valley Haven School-Chambers County	153,750
(qq)	Vaughn-Blumberg Center for the Developmentally Disabled-Houston County	69,302
(rr)	Vivian B. Adams School-Dale County	267,595
(ss)	Augusta Evans Special School-Mobile County	20,000
(tt)	Brierfield Learning Center-Bibb County	19,900
(uu)	Burkett Center of Jefferson County	40,000
(vv)	Calhoun County-Educational Program	92,876
	1. Berman Museum	46,438
	2. Museum of Natural History	46,438
(ww)	Cedar Grove Preparatory School Inc.-Mobile County	99,863
(xx)	Children's Village-Jefferson County	35,000

(yy) Coffee County Board of Education- Project Independence	40,000
(zz) EPIC School, Birmingham-Jefferson County	36,400
(aaa)EXCEL, Inc.-Etowah County	62,500
(bbb)Hope Project, formerly the Madison Park Hope Center-Montgomery County	67,443
(ccc) Lee Scan of Lee County	21,400
(ddd)McInnis School-Montgomery County	407,309
(eee) Montgomery Institute of Neurological Development-Montgomery County	33,757
(fff) North Alabama Center for Educational Excellence-Madison County	18,000
(ggg)PASS (Peers Are Staying Straight)- Crenshaw County	25,000
(hhh)Quest for Excellence-Etowah County	62,500
(iii) Russellville City School- Multi-Handicapped-Franklin County	37,151
(jjj) T&T Day Care of Uniontown-Perry County	30,000

Section 2. Prior to release of any funds appropriated under this act for fiscal year 1997-98, an operations plan including goals and measurable performance indicators for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance and to the Legislative Fiscal Office. The performance indicators may include such items as number of clients served by exceptionality, number of client service plans developed, number of clients successfully completing service plan goals, expenditures per client, expenditures per client hour served, faculty/staff per client, and state appropriation per client. It is the intent of the Legislature to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. In making distribution of the above appropriated funds, the State Board of Education shall require quarterly reports of expenditures and of progress toward achieving the goals and performance indicators submitted with the fiscal year 1997-98 operations plan. The State Board of Education shall include in any budget request for the above entities for any subsequent fiscal year actual and projected performance indicators as may be required of state agencies.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective on October 1, 1997.

Approved September 23, 1997

Time: 10:41 A.M.

Act No. 97-948

H. 102 – Reps. Houston, Perdue, McAdory,
Mauull, Townsend, Rogers (J),
Hilliard, Jackson

AN ACT

To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any limitations of law pertaining to the municipality, the mayor of any municipality in Alabama is hereby authorized, subject to budget restraints approved by the governing body, to make cash or non-cash awards not to exceed \$1,000 to employees of the municipality in recognition of exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

Section 2. Any employee selected to receive a cash or non-cash award for exemplary performance or for innovations that significantly reduce costs must first be recommended by his or her supervisor and approved by the governing body of the municipality.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:42 A.M.

Act No. 97-949

H. 156 – Rep. Hall (L)

AN ACT

Establishing the Employee Cooperative Corporations Act; providing for the election and revocation as an employee cooperative; providing for membership, qualifications, and issuance of membership shares of stock; providing for rights and responsibilities of shareholders; providing for the voting power of membership shares; providing for apportionment and distribution and net earnings and losses of

employee cooperatives; providing for an internal capital account; and providing for merger and conversion of membership shares.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the Employee Cooperative Corporations Act.

Section 2. As used in this act, the following words shall have the following meanings:

(1) **COLLECTIVE RESERVE ACCOUNT.** An internal capital account that represents the portion of the net book value of the corporation attributable to the cooperative.

(2) **EMPLOYEE COOPERATIVE.** A corporation which has elected to be governed by this act.

(3) **INTERNAL CAPITAL ACCOUNTS.** A system of accounts on the books of an employee cooperative that reflects the book value of the corporation.

(4) **INTERNAL CAPITAL ACCOUNT COOPERATIVE.** An employee cooperative governed in accordance with Section 11 of this act.

(5) **MEMBER.** A natural person who has been accepted for membership in and owns a membership share issued by an employee cooperative.

(6) **MEMBERSHIP FEE.** The consideration paid for a membership share.

(7) **MEMBERSHIP SHARE.** A single share of voting stock issued to each member of a worker cooperative as evidence of membership.

(8) **PATRONAGE.** The amount of work performed as a member of an employee cooperative, measured in accordance with the articles of incorporation or by laws.

(9) **WRITTEN NOTICE OF ALLOCATION.** A written statement which discloses to a member the stated dollar amount of such member's patronage allocation and the terms for payment of that amount by the employee cooperative.

Section 3. Any corporation organized under Chapter 2B of Title 10, Code of Alabama 1975, may elect to be governed as an employee cooperative under this act, by so stating in its articles of incorporation or articles of amendment filed in accordance with Chapter 2B of Title 10.

Section 4. An employee cooperative may revoke its election under this act by a vote of two-thirds of the members and through articles of amendment filed in accordance with Chapter 2B of Title 10.

Section 5. An employee cooperative may include the word “cooperative” or “co-op” in its corporate name, provided, however, that such name shall not include the words “electric” or “power”.

Section 6. (a) The articles of incorporation or the by laws shall establish qualifications and the method of acceptance and termination of members. No person may be accepted as a member unless employed by the employee cooperative on a full-time or part-time basis. In order to qualify for membership, part-time employment shall be at least half-time.

(b) An employee cooperative shall issue a class of voting stock designated as “membership shares.” Each member shall own only one such membership share, and only members may own such shares.

(c) Membership shares shall be issued for a fee as shall be determined by the directors. An employee cooperative may allow for payment of such fee by payroll deduction, installments, or similar methods. A membership share may be issued to a person upon acceptance for membership regardless of whether the membership fee is fully paid.

(d) Members of an employee cooperative shall have all the rights and responsibilities of stockholders of a corporation organized under Chapter 2B, except as otherwise provided in this act.

Section 7. (a) The by laws of an employee cooperative shall provide for the election, terms, classification, if any, and removal of directors and officers.

(b) Nonmembers may serve as directors or officers of an employee cooperative but at no time shall the number of nonmember directors or officers exceed 25 percent of the total number of directors or officers.

(c) Vacancies in director positions resulting from death, resignation, or removal shall be filled by vote of the member directors or by vote of the members.

Section 8. (a) No capital stock other than membership shares shall be given voting power in an employee cooperative, except as otherwise provided in this act.

(b) Notwithstanding any other provision of law, the power to amend or repeal by laws of an employee cooperative shall be vested in the members only.

(c) Amendments adversely affecting the rights of members may not be adopted without the vote of the members, except that the protection of this subsection may be extended to stockholders in the case of employee cooperative corporations that have not elected to operate as an internal capital account cooperative.

Section 9. (a) The net earnings or losses of an employee cooperative shall be apportioned and distributed at such times and in such manner as the articles of incorporation or by laws specify. Net earnings declared as patronage allocations with respect to a period of time, and paid or credited to members, shall be apportioned among the members in accordance with the ratio which each member's patronage during the period involved bears to total patronage by all members during that period.

(b) The apportionment, distribution, and payment of net earnings required by subsection (a) may be in cash, credits, written notices of allocation, or capital stock issued by the employee cooperative.

Section 10. (a) Any employee cooperative may establish through its articles of incorporation or by laws a system of internal capital accounts, to reflect the book value and to determine the redemption price of membership shares, capital stock, and written notices of allocation.

(b) The articles of incorporation or by laws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and shall provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption shall be made if such redemption would result in the liability of any director or officer of the employee cooperative.

(c) The articles of incorporation or by laws may provide for the employee cooperative to pay or credit interest on the balance in each member's internal capital account.

(d) The articles of incorporation or by laws may authorize assignment of a portion of retained net earnings and net losses to a collective reserve account. Earnings assigned to the collective reserve account may be used for any and all corporate purposes as determined by the board of directors.

Section 11. (a) An internal capital account cooperative is a worker cooperative whose entire net book value is reflected in internal capital accounts, one for each member, and a collective reserve account, and in which no persons other than members own capital stock. In an internal capital account cooperative, each member shall have one and only one vote in any matter requiring voting by stockholders.

(b) An internal capital account cooperative shall credit the paid-in membership fee and additional paid-in capital of a member to the member's internal capital account and shall also record the apportionment of retained net earnings or net losses to the members in accordance with patronage by appropriately crediting or debiting the internal capital accounts of members. The collective reserve account in an internal

capital account cooperative shall reflect any paid-in capital, net losses, and retained net earnings not allocated to individual members.

(c) In an internal capital account cooperative, the balance in all the individual internal accounts and collective reserve account, if any, shall be adjusted at the end of each accounting period so that the sum of the balances is equal to the net book value of the employee cooperative.

Section 12. (a) When an employee cooperative revokes its election in accordance with Section 4, the articles of amendment shall provide for conversion of membership shares and internal capital accounts or their conversion to securities or other property in a manner consistent with Chapter 2B, Title 10.

(b) An employee cooperative which has not revoked its election under this act may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with Chapter 2B, Article 11, Title 10, Code of Alabama 1975.

Section 13. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved September 23, 1997

Time: 10:43 A.M.

Act No. 97-950

H. 124 – Reprs. Curry, Haney, Carothers,
Turnham

AN ACT

To amend Section 14-2-12 of the Code of Alabama 1975 so as to authorize the Alabama Corrections Institution Finance Authority to issue an additional \$7,500,000 aggregate principal amount of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds and declares as follows:

(a) Pursuant to the provisions of Chapter 2 of Title 14 of the Code of Alabama 1975 (the "Act"), the Legislature has heretofore authorized the issuance of Bonds by Alabama Corrections Institution Finance Authority (the "Authority") in an aggregate principal amount of \$85,000,000 for the purpose of providing funds to pay costs of prison facilities in the State;

(b) Pursuant to authorization contained in the Act, the Authority has heretofore issued its Bonds aggregating \$85,000,000 in principal amount; and

(c) Additional prison facilities are needed in the State of Alabama and the Legislature deems it necessary, desirable and in the public interest that the Legislature authorize the issuance of an additional \$7,500,000 in aggregate principal amount of bonds of the Authority for the purpose of providing additional prison facilities.

Section 2. Section 14-2-12 of the Code of Alabama 1975 is hereby amended to read as follows:

“Section 14-2-12. For the purpose of providing funds for the acquisition of sites, for the construction, reconstruction, alteration and improvement of facilities, for the procurement and installation of equipment therefor and for payment of obligations incurred and the principal of and interest on any temporary loans made for any of the said purposes, the authority is hereby authorized, from time to time, to sell and issue, in addition to all bonds heretofore authorized to be issued by the authority, its bonds in such aggregate principal amounts as may be determined by the corporation to be necessary for the said purposes but not to exceed \$25,000,000 \$7,500,000 in aggregate principal amount.

“Any bonds issued pursuant to this section, as amended by the act adding this sentence, shall be sold at public auction by competitive bid using a financial institution whose principal office is located in Alabama as the financing agent.”

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved September 23, 1997

Time: 10:44 A.M.

Act No. 97-951

S. 20 – Senator Sanders

AN ACT

To make an appropriation of \$500,000 from the Education Trust Fund to the Birmingham Metropolitan Arts Council for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of five hundred thousand dollars (\$500,000) to the Birmingham Metropolitan Arts Council for

the America's Smithsonian 150th Anniversary Exhibition in Birmingham, Alabama, from the Education Trust Fund. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of this report.

Section 3. This act shall become effective on October 1, 1997.

Approved September 23, 1997

Time: 10:45 A.M.

Act No. 97-952

S.J.R. 53 – Senator Sanders

SENATE JOINT RESOLUTION

EXPRESSING LEGISLATIVE INTENT REGARDING
HEALTH INSURANCE FUNDING FOR TEACHERS IN
H.B. 125, THE EDUCATION APPROPRIATION BILL.

WHEREAS, there is some confusion regarding language in House Bill 125 of the 1997 First Special Session, the education appropriation bill, relating to health insurance funding for teachers; and

WHEREAS, the Legislature wishes to clarify the matter and clearly declare its intent regarding this important funding issue; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature that in H.B. 125 of the 1997 First Special Session, as enrolled, the education appropriation bill, the appropriation for the Public Education Employees Health Insurance Plan shall be sufficient to maintain a 12 percent reserve of claims paid by the claims administrator to end the 1997-98 plan year with a 12 percent reserve of claims.

Approved September 23, 1997

Time: 10:46 A.M.

Act No. 97-953

S. 67 – Senators McClain and Smitherman

AN ACT

Relating to Jefferson County; authorizing the sheriff to operate a jail store for inmates; providing for the deposit, distribution, and audit of the profits; and confirming and ratifying certain prior actions on expenditures for law enforcement purposes; providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Jefferson County is authorized to operate a jail store for inmates within the confines of the Jefferson County Detention Facility and Annexes. The jail store shall be operated to serve the needs of the county jail population.

Section 2. All monies collected under Section 1 of this act shall be deposited by the Sheriff of Jefferson County or the appointed agent of the sheriff in any bank or any credit union located in Jefferson County selected by the sheriff into a fund known as the "Sheriff's Commissary Fund."

Section 3. The Sheriff's Commissary Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Jefferson County or the appointed agent of the sheriff and shall be used for the betterment of law enforcement or in the interest thereof or in the public's interest in the discharge of the office of the sheriff, or as the sheriff sees fit.

Section 4. All monies collected, if any, as outlined in Section 1 of this act prior to the effective date of this act shall be transferred into the Sheriff's Commissary Fund created by Section 2 of this act.

Section 5. Any funds spent for the betterment of law enforcement or in the interest thereof accruing from any jail store operated by the former or present Sheriff of Jefferson County prior to the effective date of this act are ratified and confirmed as legal expenditures and, if necessary to carry out the purposes of this section, seven thousand one hundred dollars (\$7,100) is hereby appropriated from the monies transferred under Section 4 of this act to the Sheriff of Jefferson County.

Section 6. The establishment of the Sheriff's Commissary Fund and the use of the funds shall in no way diminish or take the place of any other source of income established for the sheriff or the operation of the office.

Section 7. The State Examiners of Public Accounts is authorized to audit the monies annually and submit a copy of the audit to the sheriff within 30 days of its completion.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved September 24, 1997

Time: 8:20 A.M.

SUBJECT INDEX

EXTRAORDINARY SESSION, 1997

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1979 Reg. Sess., Act 79-157, Anniston, policemen's and firemen's retirement fund, employment of investment counselors and agents to invest and manage auth.—Act 97-866, 1997 1st Sp. Sess., H. 50 207

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- Child Support Reform Act, liens on motor vehicles, procedure for recording in Revenue Dept., priority of all liens, Sec. 30-3-198 am'd.; Act 97-447, 1997 Reg. Sess. am'd.—Act 97-890, 1997 1st Sp. Sess., S. 95 249

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Robert T. "Bob" Wilson Highway, previously known as Co. Road 30 from Sumiton-Dora to Cordova, Co. Road 22 from Cordova to Parrish, and newly constructed road from Parrish to Oakman, desig., also to be desig. as St. Road 18—Act 97-741, 1997 1st Sp. Sess., SJR 13 26

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